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THE
DIPLOMATIC CORRESPONDENCE

OF THE
UNITED STATES OF AMERICA,

FROM THE SIGNING OF THE
DEFINITIVE TREATY OF PEACE,

10TH SEPTEMBER, 1783,

TO THE
ADOPTION OF THE CONSTITUTION, MARCH 4, 1789.

BEING

THE LETTERS OF THE PRESIDENTS OF CONGRESS, THE SECRETARY FOR FOREIGN
AFFAIRS—AMERICAN MINISTERS AT FOREIGN COURTS, FOREIGN MINISTERS
NEAR CONGRESS—REPORTS OF COMMITTEES OF CONGRESS, AND REPORTS
OF THE SECRETARY FOR FOREIGN AFFAIRS ON VARIOUS LETTERS
AND COMMUNICATIONS;

TOGETHER WITH

LETTERS FROM INDIVIDUALS ON PUBLIC AFFAIRS.

Published under the direction of the Secretary of State, from the original Manuscripts in the
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John Adams to John Jay. Grosvenor Square, Westminster, July 19, 1785.....396

Requests steps may be taken to supply Ministers abroad with the laws of the several States. Obligated to a fellow-citizen for the laws of New York; pleased with an act of the eighth session, second meeting, vesting the United States in commercial affairs with regulating and prohibiting powers for fifteen years. Comments thereon, and what should be the course of the United States. Acting in concert enforced. Disbelief of the English. Their writings and opinions. Duke of Portland's and Mr. Pitt's administration a demonstration of it. Believe they can monopolize the American trade, and build their hopes upon division in America. Their progress in the arts, their taste and skill, with the cheapness of their goods, they think ensures them a preference, which is proved by the influx of cash and bills of exchange into those kingdoms. Different opinions, however, of their prosperity, and their American commercial transactions. People deceived by falsehoods. A disposition to

war with the United States. Their poverty a restraint. Attachment to their navigation act. Determination to consider us foreigners, to draw away our seamen; therefore despairs of any treaty until they feel the necessity for it. Recommends that the States should give the same power which has been granted by the State of New York. No hopes of a treaty without the unanimous concurrence of all the States in vigorous measures.

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Draft of a Commercial Treaty submitted to Lord Caermarthen, containing twenty-six articles.....407

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John Adams to John Jay. Grosvenor Square, Westminster, August 6, 1785.....421

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Necessity of the United States imposing restrictions. Would exclude British ships from "coming and dealing in" our exportations. Other nations might be permitted, unless the English found means to manage our exportations through them. A retaliation for the exclusion of American ships from the British dominions. How long will Americans consent to pay four to five hundred per cent. upon articles of their produce, while British subjects pay but ten per cent. upon any of their commodities in our ports? Refers to the stipulation of the 18th article of the definitive treaty of peace, concerning new arrangements of commerce; also to the 9th article of the treaty between Spain and Great Britain. Mr. Crawford sent to France to treat under the above article. Nothing will be effected. Fixed intention of the English Ministers to preserve peace with France and Spain. If the expectations and hypothesis of Mr. Pitt are justified in 1786, which he declared at the opening the budget in 1785, they will persevere in their course towards America in spite of remonstrances, prohibitions, and retaliation, wage a new war, and keep possession of the western posts. America no party in her favor. Patience will do no good under the unequal burthens. Nothing but retaliation. How England may farther injure us. Our only resource to export our own produce, and encourage manufactures. System of the Ministers not yet digested; dependent upon contingencies.

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- From the same to the same. Grosvenor Square, Westminster, September 15, 1785.....476
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- John Adams to John Jay. Grosvenor Square, October 15, 1785...478
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to matters of this kind; may intimate that Congress expect a Minister. The British Court would receive more accurate information than they at present obtain. Letters acknowledged to the 27th October, 1785. Report of Secretary Jay, January 31, 1786, p. 503. Report of Secretary Jay, March 22, 1786, p. 505.	
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John Adams to John Jay. Grosvenor Square, Westminster, November 5, 1785.....	527
Return to London of the Chevalier Pinto. Communicates the desire of the Court of Portugal to form a treaty with the United States. Detail of a conversation upon the commerce of the two countries, and preliminary measures. Observations of the Chevalier upon the British navigation act. Inquires into the views of the United States with regard to a Minister and Consul. American ships will be admitted at Macao. General contest for the carrying trade. Commercial treaties become fashionable. Attempts to retard the progress of the United States.	
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Trade to India, and advice to merchants. The direct trade to be promoted by imposing heavy duties upon Indian goods via Europe. The intercourse worthy of attention. Propriety of Americans conducting themselves well towards the natives.	
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John Adams to John Jay. Grosvenor Square, November 24, 1785.....	535
Acknowledges receipt of letters of the 14th of October. Defensive alliance between France and Holland signed at Paris the 10th instant. English attempt to defeat the measure. Thinks the power of England endangered, and that America should join the defensive alliance. Nothing can be effected in London. Contemptible opinion of the British Ministry. The late event	

presents an opportunity for presenting a memorial concerning the evacuation of the posts. Believes they will not comply nor return an answer. Distrust of leading politicians in England; their total want of patriotism. Fox and his friends ruined by expenses of the last elections. North and his friends afraid of popular vengeance. Therefore sees nothing to prevent America passing navigation acts, or even forming a new alliance with France. Russia as well as Portugal piqued with the Court of Great Britain. Inquiry lately made why the United States did not make advances to the Empress of Russia?

John Adams to John Jay. Grosvenor Square, November 24, 1785.....537

Petition of Shelburne. England in danger of convulsions. Ill effects of the States splitting up into small communities; demonstrated from history. Propositions to that effect do harm abroad, being considered indicative of restlessness of disposition. Thinks this spirit should be checked. Had heard of Dr. Franklin's arrival in Philadelphia. Hopes he will reconcile the Pennsylvanians to certain alterations in their constitution.

From the same to the same. Grosvenor Square, Westminster, December 2, 1785.....539

Encloses copies of letters to and from Lord Caermarthen, on the appointment of Mr. Anstey, to prevent imposition upon the Commissioners in ascertaining the claims of the Royalists.

Lord Caermarthen to John Adams. St. James's, November 30, 1785.....540

On the subject of the appointment of Mr. Anstey.

John Adams to Lord Caermarthen. Grosvenor Square, December 2, 1785.....540

Replies to his Lordship, and expresses his satisfaction at the appointment.

John Adams to John Jay. Grosvenor Square, December 6, 1785.....541

Important considerations sacrificed in Great Britain to a momentary tranquillity and credit. Expected fate of the enclosed memorial. Thinks if no answer is given it should be demanded, and that he should take leave and return home. It now remains with the States to determine whether there is or is not a union in America. With union they may be respected. Advises that all the great sea-port towns should think of the means of defence, and the militia be placed on the best possible footing. African affairs. Happy situation of the people of America; their future power. Propensity to the sea compared to that of the water-fowl. Practical statesmen will act accordingly. Memorial respecting the evacuation of the posts, addressed to the Ministry of his Britannic Majesty, dated at Westminster, the 30th November, 1785, p. 542.

From the same to the same. Grosvenor Square, Westminster, December 9, 1785.....543

Interview with Lord Caermarthen, who states that he is about to reply officially to the communications of Mr. Adams. Presents to his Lordship the memorial of the 30th November. Reasons for the presentation.

From the same to the same. Grosvenor Square, December 12, 1785.....544

Announces an official answer from the Marquis of Caermarthen, with a letter from the Lords of the Admiralty. The answer concerning the sailors more favorable than was expected. That respecting Captain Stanhope as much so. General complaints of the foreign Ministers at not receiving an answer to their memorials respecting seamen.

Lord Caermarthen to John Adams. St. James's, December 9,
1785.....545

Letter of Mr. Adams respecting the conduct of Captain Stanhope laid before the King, with the memorial concerning the detention of American seamen. Papers sent to the Lords of the Admiralty by the King's command. Encloses copy of a letter received from their Lordships on these subjects. Copy of said letter from the Lords of the Admiralty, dated December 7, 1785. Opinion of their Lordships on the conduct of Captain Stanhope, p. 545.

John Adams to John Jay. Grosvenor Square, December 15,
1785.....548

Mysterious movements in Government. General Faucett; conjectures with regard to his destination. Other warlike indications. Arnold gone out to America, to be out of the way of contempt, and ready for a new war. Joseph Brandt and Governor Hamilton arrived from Quebec. Reports propagated by the Refugees of a general confederation of the Indians. Views and hopes of these people. The matters upon which the British Government will probably now determine. Something may be learnt during the winter session of Parliament, but shall not know the whole till next summer. Marquis de la Fayette returned from Germany alarmed at the false impressions made by the British newspapers to our disadvantage. Secret motive of those misrepresentations, the fear of emigration. America popular; her condition. State of the people of Europe; their desire of change. Eagerness with which every circumstance is collected which can throw a damp upon emigration. French publications equally forward with those of the English in political inventions for this purpose. General abuse of America by the British press. Refuse to insert acts of Congress or other public documents in their papers. Attempt to counteract provoking new inventions. Parsimony in support of public servants; its humiliating consequences. Obligations of the Ministers with regard to hospitality.

From the same to the same. Grosvenor Square, December —,
1785.....552

Anxiety to convey in a strong light the impossibility of effecting any thing satisfactory with England. Propriety and necessity of keeping these communications secret. Conduct and character of the King. Character of Mr. Pitt. What constitutes the character of a British statesman. Has seen no man in power who answers the description. Landsdowne the most like it. Observations on the character of other Ministers. The King deceived with regard to the success of the Prince of Orange and his party. Its consequences. Lord Camden and the Duke of Richmond, if they ever entertained just notions of the relations between America and England, changed. Opinion of Lord Caermarthen. Lord Sidney similar traits of character. No reasonable arrangement for America can be expected for some time. View of the opposition. Lord North at the head of the landed or Tory interest. Mr. Fox unsteady in American politics. The Marquis of Buckingham possessed of some good opinions; but odious to multitudes of the people. Other favorable considerations. Advance of stocks; commerce flourishing; credit established. The general opinion is, that an act of Parliament will be passed placing the United States upon the footing of the most favored nation. Universal peace the language now of the Court of France. Gullibility of England. Peace may be maintained some years—till England gets money to go to war. Future prospects and alliances. English opinions with regard to the posts, Canada, &c. Aim and object of the Refugees. If they prevail our posts will be retained. Old debts will be the pretence. Situation of the American Minister at London; his insignificance and difficulties. Congress and the Legislatures must act. Policy of closer political connexions doubted. Advantageous ground of the United States if they can unite in a system. Mr. Jay's report on the preceding letter, p. 557.

From the same to the same. Grosvenor Square, January 4,
1786.....558

Some intention of the Ministry to take up American affairs; their conferences with merchants; their inability if desirous of effecting an equitable settlement. Congress and the States must not relax their measures. Discriminating duties recommended. Report of Mr. Jay upon preceding letter, dated March 30, 1786, p. 559.

John Adams to John Jay. Grosvenor Square, January 21, 1786.....560

Interview with the Chevalier del Pinto. Question of sending a Portuguese Ambassador to America. Lord Caermarthen had stated he was about to answer the memorial concerning the posts; delayed for further information concerning the debts. Mr. Eden believes there will be a treaty of commerce with America in a year or two. One with France not probable. Reasons for the appointment of Eden to the Court of Versailles.

From the same to the same. Grosvenor Square, January 26, 1786.....561

Introduces John Anstey, barrister at law and member of Parliament, being vested with authority to verify the claims of loyalists. Transmits debates and the King's speech. Singular forgetfulness of the King and every member of both Houses. Both parties in the State agreed to a confederation with Prussia and Denmark. They likewise agree that the resources of the country are inexhaustible. A confederation with Russia and Denmark would be beneficial to America; in what manner. A friendly settlement with Spain desirable. A Minister should be sent to Holland, whose inhabitants are the most cordial friends we have in Europe. Conversation with the Marquis of Landsdowne and Lord Abingdon. Opinions deduced therefrom.

John Jay to John Adams, May 4, 1786.....562

Acknowledges receipt of letters to the 26th January, 1786; have all been laid before Congress. No instructions from Congress to say anything on the subjects of them. States not represented. Prussian treaty received and ratification reported. Printed papers transmitted; will give some idea of affairs. Proposed imposts gaining ground. Mr. Anstey arrived. Mr. Hancock absent from Congress. Thinks the President of Congress should absent himself as little as possible.

John Adams to John Jay. Grosvenor Square, February 9, 1786..563

Recommends and eulogizes in a particular manner Colonel Humphreys, who is about to return to America.

From the same to the same. Grosvenor Square, February 14, 1786.....564

Remarks on two pamphlets transmitted by Mr. Jay.

From the same to the same. Grosvenor Square, February 16, 1786.....565

On African affairs. An envoy from Tripoli in London.

From the same to the same. Grosvenor Square, February 17, 1786.....567

The Tripoline Ambassador; the object of his mission. Interview with him; substance of the conference.

From the same to the same. Grosvenor Square, February 20, 1786.....568

Second interview with the Tripolitan Minister; relation of the conference. Mr. Jefferson requested to come over to London. If the sum limited by Congress should be insufficient for the treaty, thinks a million of guilders might be borrowed in Holland.

From the same to the same. Grosvenor Square, February 22, 1786.....571

Another conference with the Tripolitan Ambassador. Treaties with the Barbary Powers expensive. Advantages of those treaties. Quotes the sixth article of the Confederation in relation to embassies.

John Adams to John Jay. Grosvenor Square, February 26, 1786.....573

The Portuguese Ambassador answered by his Court relative to the treaty with the United States. Proposition to exchange Ministers with that Court. Necessity of maintaining Ministers abroad. Principle of the French economists. Its effect upon the United States. Extract of a letter from the Secretary of State of her Most Faithful Majesty. Lisbon, January 4, 1786, p. 575. List of vessels which entered the port of Lisbon in 1785, p. 577.

From the same to the same. London, June 27, 1786.....578

Information given by the Envoy of Portugal that the Queen had instructed her naval commanders to protect vessels of the United States from the Barbarians. If the United States wish to begin a navy the Algerine war a good opportunity, but will cost money.

From the same to the same. Grosvenor Square, February 27, 1786.....579

Observations and apology of the Marquis of Caermarthen for not having yet answered the memorial. Newfoundland bill and American intercourse bill. The principles which governed the same for the last twenty years. Mr. Pitt either a convert or only an ostensible Minister. America must determine upon her own measures.

John Adams to Lord Caermarthen. Grosvenor Square, February 6, 1786.....579

Transmits to his Lordship a copy of Mr. Temple's letter of the 21st December, 1785, to Mr. Jay. Gives the information respecting said letter which Congress had directed. Proposes that a Minister Plenipotentiary should be sent to America. The propriety and expediency. Congress expect such a Minister.

John Adams to John Jay. Grosvenor Square, March 4, 1786..580

Encloses copies of the Secretary of State's answer to the memorial touching the surrender of the posts, and a statement of grievances of British merchants. Copies of said papers, pp. 581-648.

Report of Secretary Jay on the letter of 4th March, and enclosures.....591

Secretary Jay's Report. Draft of a circular letter to the Governors of States.....649

Draft of instructions to Mr. Adams on the subject of his letter of the 4th of March, 1786.....655

John Jay to John Adams. New York, June 6, 1786.....657

Acknowledges receipt of letters to the 4th March. Nine States being represented a prospect of despatches of more importance. Encloses a ratification of the Prussian treaty. Rhode Island, New York, and New Jersey experimenting in paper money. Doubts the propriety of borrowing more money. The Treasury low and the States backward.

John Adams to John Jay. Grosvenor Square, May 16, 1786..658

Happiness at finding that twelve States have granted the impost. Is persuaded that New York will not long withhold her assent. Good effects which this measure will produce. The power to regulate commerce will not, probably, be long withheld from Congress. Is pleased to find a coincidence of opinions with regard to demanding a categorical answer. It is now with Congress to deliberate and determine what answer shall be made.

John Adams to John Jay. Grosvenor Square, May 25, 1786..659

No memorial has been presented concerning the negroes. Reasons for the delay. Lord Caermarthen's justification of the detention of the posts in the memorial of the 30th November. The same answer, or a reference to that answer, would be given to other memorials. Advises all laws in contravention of the treaty to be repealed, and the debtors left to settle their disputes at law. Thinks no jury would give interest. Various suggestions respecting the debts; but believes it a sounder policy and nobler spirit to repeal at once every law inconsistent with the treaty. Credit and commerce would be increased.

From the same to the same. Grosvenor Square, May 28, 1786..661

South American affairs. An agent arrested at Rouen. Another in London applying to Government for aid. Persons might be found to undertake an office similar to that of M. Beaumarchais. An opinion prevailing that a revolution would be agreeable to the United States. Reasons why France and Portugal should assist Spain. England would reap the greatest benefit. European policy. Alliances probable to liberate South America. The consequences. Refers to a pamphlet, written in 1783, "*La Crise de l'Europe.*" Extracts from the work. England preparing to strike a blow at the house of Bourbon.

From the same to the same. Grosvenor Square, June 6, 1786..667

When taxes are laid money may be borrowed. If they are not laid the public servants had better return home. The system of England settled. Choice of the United States.

From the same to the same. Grosvenor Square, June 6, 1786..666

Encloses papers relative to African affairs.

John Jay to John Adams. New York, August 19, 1786.....667

Acknowledges the receipt of letters to the 6th June. Delays in Congress for want of adequate representation. It is therefore letters are unanswered and instructions not given on essential points. Treaty expected from Portugal. Has advised new commissions for Messrs. Adams and Jefferson. Regrets his letters do not convey more important matter. Would be at no loss to form a judgment, but might not coincide with Congress.

John Adams to John Jay. Grosvenor Square, June 16, 1786..668

Mr. Jay's letter of the 4th May received. Lord Caermarthen has spoken of the civil reception which Mr. Anstey writes he received. His Lordship says that a Minister will certainly be sent to America. The difficulty was to find a suitable person. Long conversation with his Lordship. Posts, debts, &c. Recommends that Congress should require the States to repeal all laws irreconcilable to the treaty, with a declaration that interest is no part of the *bona fide* debts. The question to be then left to the judges and juries. The opinion of Mr. Adams is, that interest is no part of the *bona fide* debt.

From the same to the same. London, June 27, 1786.....670

Mr. Jay's letter of the 1st May received, with the orders of Congress. The vessel which was the bearer of the reply to the memorial of the 30th November having sprung aleak and put into Lisbon, encloses duplicate copies.

From the same to the same. London, July 15, 1786.....670

Conduct of Captain Stanhope at Boston reprehensible. His justification considered by the Lords of the Admiralty a further provocation. A rap over the knuckles. Instructions to be given to Sir Guy Carleton concerning the eastern boundary. A Minister to the United States not yet appointed.

From the same to the same. London, July 30, 1786.....671

Mr. Jay's letter of the 6th June received, with the ratification of the treaty with Prussia. Mr. Penn, a British Senator and friend to America, the bearer of this communication. Laments the lust for paper money in some parts of

the United States. Its evil consequences. Has learned with great satisfaction that Mr. Jay has received his letter of the 4th March, containing the answer of the British Court to the memorial respecting the posts. Wishes Mr. Jay's sentiments upon it, that being the most important despatch yet transmitted. Desires instructions of Congress concerning the negroes.

John Adams to John Jay. London, July 31, 1786.....672

Relative to Mr. Randall. Prisoners at Algiers.

John Jay to John Adams. New York, October 4, 1786.....673

Letters received to the 30th July immediately laid before Congress. Commotions in New England. An account of one at Exeter, New Hampshire, enclosed. Creditable to the Government. Rage for paper money. Indecision in the construction of our Government.

From the same to the same. New York, November 1, 1786...674

Letter of Mr. Adams of the 15th July has come to hand. A report on the frontier posts is under consideration of Congress. Daily violation of the treaty by the respective States. Unpleasant state of affairs in America.

John Adams to John Jay. London, October 3, 1786.....675

Treaty of commerce between France and England. Stipulations. Negotiations between England and Russia at a stand. Hopes and expectations for Holland. Their progress in liberal institutions. The best form of Government, according to Mr. Adams.

From the same to the same. Grosvenor Square, October 27, 1786.....677

Motives for a visit to the Hague. Exchange of ratifications of the Prussian treaty. Relations of France and England. The effect they wish to produce upon the United States. The plant of liberty yet to be watered with blood. Advice to cherish the militia.

John Jay to John Adams. New York, January 17, 1787.....680

Letters received to the 27th October. Congress have not made a House since the 3d November last.

From the same to the same. New York, February 6, 1787...680

General St. Clair, President of Congress. Encloses letter to the Queen of Portugal. Report of Secretary Jay, January 25, 1787, p. 681.

John Adams to John Jay. Grosvenor Square, November 30, 1786.....682

Replies to Mr. Jay's of the 4th October. Has received from Lord Caermarthen, officially, the treaty between France and England. Symptoms of a treaty with America. American and European taxation compared. Reflections upon the situation of America.

John Jay to John Adams. New York, February 21, 1787....683

Nine States are represented. The insurrection in Massachusetts suppressed. Transmits papers concerning the details. Insufficiency of the present form of Government. Proposed changes. Moderation of New York towards the Tories. Disinclination of the people to pay taxes.

From the same to the same. New York, April 2, 1787.....684

Encloses a copy of the resolutions of Congress of the 21st March, which he thinks might be well to communicate informally to Lord Caermarthen. Increasing difficulties in the Government of the Confederacy.

From the same to the same. Office for Foreign Affairs, May 3, 1787.....685

In relation to the appointment of Phineas Bond, Esq., Commissary for Commercial Affairs in the United States, on behalf of his Britannic Majesty. Objections on the part of Congress.

John Adams to John Jay. Grosvenor Square, January 9, 1787..687

Conference with the Tripolitan Ambassador. Renewed apologies of the Portuguese Minister. Supposes divisions of sentiment in the Cabinet of Portugal. Interview with his Royal Highness the Duke of Cumberland. Encloses a copy of a letter from the Marquis of Caermarthen. Mistake of his Lordship. Enclosures: Lord Caermarthen to John Adams. Whitehall, November 1, 1786, p. 687. Lord Caermarthen to John Adams. Whitehall, December 11, 1786, p. 687. Messrs. Wilhem & Jan Willink, and Nicholas & Jacob Van Staphorst to John Adams, January 5, 1787, p. 688. M. Dumas to Messrs. W. & J. Willink and Messrs. N. & J. Van Staphorst. The Hague, January 2, 1787, p. 689. Certificate of surveyors of buildings, p. 690.

From the same to the same. Grosvenor Square, January 24, 1787 691

Communicates his intention of returning to the United States on the expiration of his commission. Solicits a letter of recall from the Low Countries. Arrival of Colonel Franks with the treaty with Morocco. No prospect of farther success with the Barbary Powers. Recommends Colonel Smith as a future Chargé d'Affaires. Will embark for America in the spring of 1788.

From the same to the same. London, January 27, 1787.....693

Treaty with Morocco happily concluded. Expenses of the treaty. Colonel Franks, who accompanied Mr. Barclay, the bearer of the treaty. Mr. Lamb advised to return to New York. No intelligence concerning the treaty with Portugal. Scarcity of money will suspend further proceedings with the Barbary Powers. Encloses letters from Thomas Barclay to Messrs. Adams and Jefferson. Cadiz, October 2, 1786, p. 694. From the same to the same. Madrid, November 7, 1786, p. 695. Thomas Barclay to Messrs. Adams and Jefferson. Escorial, November 15, 1786, p. 697. Letter from the Emperor of Morocco to the President of Congress, June 28, 1786, p. 698. The Emperor of Morocco to the King of Spain, p. 699. Sidi Hadge Taher Ben Fennish to Messrs. Adams and Jefferson. Morocco, July 16, 1786, p. 700. Thomas Barclay to Messrs. Adams and Jefferson. Tangier, September 10, 1786. The commerce, ports, naval force, revenue, language, government, &c., of the Empire of Morocco, pp. 701-716. Thomas Barclay to Messrs. Adams and Jefferson. Tangier, September 13, 1786. Further particulars respecting Morocco, p. 716. Thomas Barclay to Messrs. Adams and Jefferson. Ceuta, September 18, 1786. Particulars of the negotiations with the Emperor of Morocco, p. 721. Francis Chiappi appointed agent for the United States of America at Morocco, p. 725.

Report of Secretary Jay, May 1, 1787.....725

Advising the ratification of the Morocco treaty.

Report of Secretary Jay, July 23, [misprinted July 27,] 1787..727

On the papers which accompanied the treaty with Morocco.

John Adams to John Jay. Grosvenor Square, January 27, 1787..732

Note received from Lord Caermarthen relative to Chinese seamen. Practice of metamorphosing British into American bottoms to trade to the East Indies. Encloses a note from Lord Caermarthen. Grosvenor Square, January 26, 1787, p. 732. Transmits a petition relative to East India seamen, p. 732.

Report of Secretary Jay on the preceding letter of Mr. Adams.

Office for Foreign Affairs, July 31, 1787.....733

John Adams to John Jay. London, February 3, 1787.....734

No better prospect for America. Opening of the Parliament. Revenue deficient. Mode of keeping up the spirits of the people. Transmits a letter from John Hales relative to the East India ship which was supposed to have been made an American bottom. Is desirous of returning home; will embark in the spring of 1788. From John Hales to John Adams, February 2, 1787, p. 736.

- John Adams to John Jay. Grosvenor Square, February 24, 1787.....736
 Transmits a letter to Congress from Mr. Harrison, relative to disbursements for Captain Irwin. Recommends the claim to Congress. R. Harrison to John Adams. London, February 21, 1787, p. 736.
- John Jay to John Adams. Office for Foreign Affairs, May 12, 1787.....737
 Letters acknowledged to the 24th February. Motion made in Congress to remove to Philadelphia. Business delayed by debate. Copy of Mr. Adams's book received; disagrees in certain particulars.
- From the same to the same. Office for Foreign Affairs, May 14, 1787.....738
 Recommends the Honorable D. Huger to the attention of Mr. Adams.
- John Adams to John Jay. Grosvenor Square, April 10, 1787..738
 No change in American affairs. Silence prevails. Members of Parliament detest to hear the name of America. Secret schemes, however, to plunder us. Information by an engraver of an attempt to counterfeit the paper bills of the Carolinas. Refusal of base copper coin. Supposes it will be shipped to America. Cautions against its reception. Colonel Smith about to depart for Portugal.
- From the same to the same. London, April 19, 1787.....739
 Encloses an act of Parliament for regulating the trade between the United States and the dominions of the King of Great Britain. Reported negotiation between Lord Dorchester and Vermont. Encloses another curious bill moved in the House of Lords. Probable change of Ministry.
- From the same to the same. London, April 30, 1787.....740
 Application made to the British Ministry on the receipt of the letter of Dr. Wren to prevent the counterfeiting American paper currency. Opinion and advice of the under Secretary to consult the magistracy. Types, stamps, &c., seized. Conduct of the Government perfectly polite and proper. Encloses a letter from Dr. Thomas Wren to John Adams. Portsmouth, April 22, 1787. Relative to counterfeiting the paper currency of the United States, p. 741. Mr. Mowbray to John Adams, (without date,) on the same subject, p. 744.
- From the same to the same. Grosvenor Square, May 1, 1787..745
 Transmits a volume on improvements in naval architecture, with the original letters of the author. Patrick Miller to John Adams. Edinburgh, April 14, 1787, p. 745.
- John Jay to John Adams. Office for Foreign Affairs, July 14, 1787.....745
 Letters received to the 1st May. States not represented in Congress. Public attention turned to the convention. Necessity of strength in the national Government. The western Indians inclined to be hostile. Impotency of Government. Delays injurious.
- John Adams to John Jay. London, May 8, 1787.....747
 The result of the convention must be beneficial. Importance of the Mississippi and the fisheries. Hopes to receive orders to return home. Incivility and imprudence of the British Court in not sending a Minister to America. Impropriety of renewing his commission. State of England and the Royal family. Letter from the American captives in Algiers, February 13, 1787, p. 748.
- From the same to the same. London, May 14, 1787.....751
 Resolutions of Congress of the 21st March, informally communicated to Lord Caermarthen. His Lordship highly pleased.

John Adams to John Jay, May 23, 1787.....751

Transmits copies of protested bills of exchange; also letters from the Commissioners of Loans at Amsterdam. Intends going to Amsterdam. Reduced to the necessity of opening a new loan to save the credit of the United States. Moneyed transactions, how affected. Drafts of Thomas Barclay for the Morocco treaty have exceeded what was anticipated. Regrets he has no letter of recall from the Hague. Encloses letters from Messrs. Wilhem & Jan Willink to John Adams. Amsterdam, May 15, 1787. On financial affairs, p. 753. Messrs. Wilhem & Jan Willink to John Adams. Amsterdam, May 18, 1787, p. 754.

John Jay to John Adams. Office for Foreign Affairs, July 31, 1787.....756

Letters acknowledged to the 23d May. Transmits sundry acts of Congress—Obstacles to the execution of the treaty removed by several of the States—Progress of the convention at Philadelphia. Extract from the Secret Journals, July 20, 1787, p. 758. Papers relative to the treaty of peace: John Sullivan to John Jay. Exeter, September 18, 1786. Transmits an act of the Legislature of New Hampshire, pp. 759–760. James Bowdoin to John Jay. Boston, May 17, 1786. Encloses acts and resolutions of Massachusetts, pp. 761–773. John Collins to John Jay. Newport, September 4, 1786. An act of Rhode Island and Providence Plantations, pp. 773–774. Samuel Huntington to John Jay. Council Chamber, Hartford, June 12, 1786. An act of Connecticut, pp. 774–776. W. Livingston to John Jay. Elizabethtown, June 15, 1786, p. 776. George Clinton to John Jay. New York, July 20, 1786. Extract from the proceedings of the Assembly of New York, pp. 777–782. An act of the State of Delaware, p. 782. An act of the State of Maryland, p. 782. Patrick Henry to John Jay. Richmond, June 7, 1786. An act of Virginia, p. 784. Richard Caswell to John Jay. North Carolina, Kingston, June 21, 1786. An act of North Carolina, pp. 784–786. William Moultrie to John Jay. Charleston, South Carolina, June 21, 1786, p. 786.

John Adams to John Jay. Grosvenor Square, London, June 16, 1787.....787

Transmits a translation of the contract for a million of guilders. Absolute necessity for the measure. Prompt ratification important. Visit to Amsterdam. Riots in that city. Hopes the Dutch may be left to settle their own disputes. Contract for a loan of a million of guilders, pp. 789–792.

Report of Secretary Jay, October 12, 1787, on the preceding letter of the 16th June.....792

John Jay to John Adams. New York, September 4, 1787....792

Want of adequate representation prevents action on foreign affairs. Report made on Mr. Adams's return. Extract from the Secret Journals of Congress, August 1, 1787, p. 793.

From the same to the same. Office of Foreign Affairs, October 3, 1787.....793

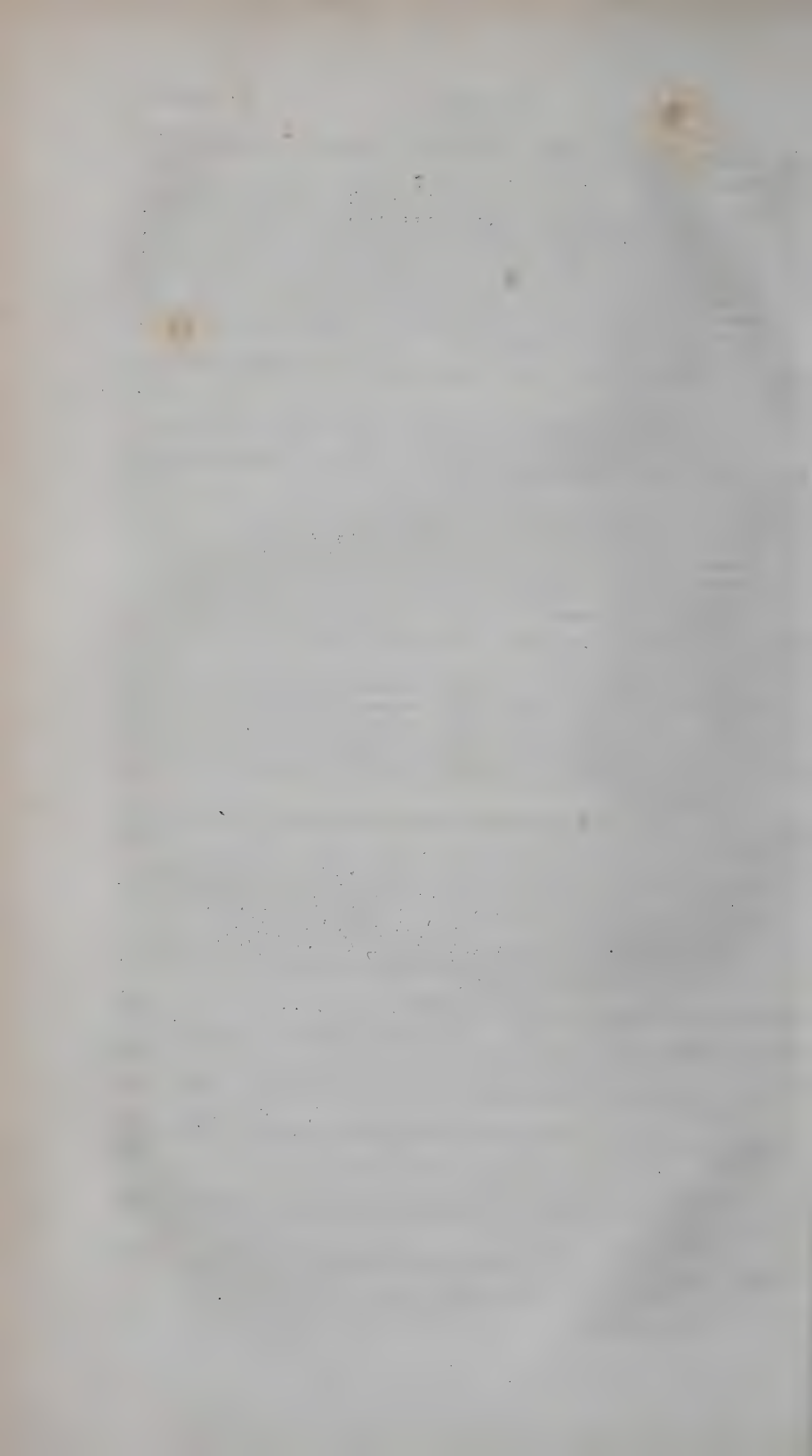
No decision yet had upon Mr. Adams's return. Encloses copy of the new form of Government. Fate uncertain. Opposition expected. Extract from the Secret Journals of Congress, September 24, 1787, p. 793.

From the same to the same. Office for Foreign Affairs, October 16, 1787.....796

Transmits an act of Congress complying with Mr. Adams's request to return. No decision respecting a Minister or Chargé d'Affaires. Transmits various other acts and papers enumerated. American public much occupied with the new form of Government. Considers it a compromise. Mr. Jefferson's commission renewed. Friendly wishes to the Dutch. Extract from the Secret Journals of Congress, October 5, 1787, p. 798.

- John Jay to John Adams. Office for Foreign Affairs, November 3, 1787.....801
Transmits sundry acts of Congress. Extracts from the Secret Journals of Congress, October 11 and 12, 1787, p. 801.
- John Adams to John Jay. London, September 10, 1787.....802
Encloses a letter from the Portuguese Minister. Thinks the United States should have a Minister at Lisbon Colonel Smith's journey to Portugal. Observations on such missions—unknown and informal.
- Chevalier del Pinto to John Adams. London, September 7, 1787.....803
On an exchange of Ministers. John Adams to the Portuguese Minister. Grosvenor Square, September 10, 1787, p. 804.
- John Adams to John Jay. London, September 22, 1787... .804
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C O R R E S P O N D E N C E

O F

T H O M A S J E F F E R S O N ,

ONE OF THE COMMISSIONERS FOR THE FORMATION OF
TREATIES OF AMITY AND COMMERCE, AND MIN-
ISTER PLENIPOTENTIARY TO FRANCE,

WITH

T H E A N S W E R S O F J O H N J A Y ,

SECRETARY FOR FOREIGN AFFAIRS.

CONTINUED FROM VOLUME I.

VOL. II.—1



CORRESPONDENCE.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, November 12, 1786.

Sir,

In a letter which I had the honor of writing you on the 26th September, I informed you that a Dutch company were making propositions to the Minister of Finance here to purchase, at a discount, the debt due from the United States to this country. I have lately procured a copy of their memoir, which I now enclose. Should Congress think this subject worthy their attention, they have no time to lose, as the necessities of the Minister, which alone has made him to listen to this proposition, may force him to a speedy conclusion. The effect which a payment of the whole sum would have here would be very valuable. The only question is, whether we can borrow it in Holland, a question which cannot be resolved but in Holland. The trouble of the trial and expense of the transaction would be well repaid by the dispositions which would be excited in our favor in the King and his Ministers.

I have the honor to be, &c.,

TH: JEFFERSON.

Memorial of the Dutch Company.

Translation.

The United States have borrowed a large sum of money from France, for which they pay an interest until they reimburse it, at the rate of six per cent. per annum. It is not known to us whether the

periods of this reimbursement are fixed, or whether they are left to the convenience of the United States; the quota of this sum is also unknown. It is supposed that it cannot be less than twenty-four millions, and that the period of reimbursement is not near. It is thought that the two nations consider their mutual benefit, and upon this supposition an arrangement of the debt of the United States is proposed, which appears to suit the interest of both these Powers.

On the part of France, the want of money to facilitate its reimbursements and improvements should induce her to fix a certain price for the actual return of so large a sum.

On the part of the United States, the scarcity of money which they experience, and the want of it which the natural extension of their situation occasions, must render every measure precious that will bring into circulation the sum they have borrowed, and under such a form that this circulation will take place as well in the United States as elsewhere.

This mode offers of itself. It consists in converting the American debt into bills, payable to the bearer, in sums from five hundred to a thousand French livres, and annexing dividends to these bills for receiving the interest in such places as shall be agreed and fixed upon. It is by no means to be doubted but that commerce and the Europeans who would settle in the United States would carry there great numbers of these bills, which would probably be reimbursed there. The United States would find two great advantages from this operation. The first, by acquiring in their circulation at home a paper which, by the full credit it would have, would answer all the purposes of cash. Secondly, being able to pay at home a part of the debt and the interest, and to reduce it by degrees, by means of the purchase of lands with these bills, payable to the bearer; for the speculators in land could pay for them in this way with advantage, both on account of their being able to procure these bills in Europe on better terms than specie, and that it would particularly suit the United States to encourage the exchange of uncultivated lands which they have to sell, for bills which they must reimburse, and which, in the meantime, costs them an annual interest.

- These instances will prove the great benefit which France would procure for the United States, by converting the credit she has given them into bills payable to the bearer, which might be brought into circulation.

With respect to the benefit France would reap, it is very probable that she might dispose of all these bills at once to a company who would take them up in consideration of some sacrifice and facilities, which are customary in transactions of such magnitude. It must be observed here that this arrangement is determined upon the presumption, as far as the nature of the case will admit, that this debt is recoverable.

It will, therefore, follow that France will obtain for the purposes of Government a speedy return of a sum of money which will proportionably lessen the loans which may be otherwise necessary.

On the first reflection, it might appear that France ought not to sell her debt with the United States, especially on terms favorable to the purchasers, but on conditions of not being obliged to guaranty the same against accidents, which may render it doubtful, as this might occasion a distrust against the credit of the United States, which might be prejudicial to them, and which would be impolitic on the part of France, and inconsistent with the reciprocal friendship between her and the United States. This objection will be removed by France continuing to be guarantee for the payment of the bills with interest. This guarantee, therefore, is not only necessary for the success of the proposed arrangement, but the dignity of France also requires it; less hazard will attend this than the risk that attended the losing the sum lent to aid a revolution which she judged important; the solvency of the United States depending upon their independence, France ought not to expect any premium for guarantying a solvency, the basis of which it is her interest to support. Should the removal of this objection be opposed, by observing that the speedy benefit of twenty millions is not of sufficient consideration to determine France to make a change, when she should not thereby free herself at least from risk with the United States, we answer that the advantage of restoring these twenty millions into circulation, and thereby preventing the borrowing of this sum, is not the only one.

The United States are not yet free from all apprehensions of danger. There appears some difficulties between them and England with regard to fulfilling the treaty of peace. The policy, as well as the inclinations of the United States, require their firmness in every thing they have to transact with that Power. They may, therefore, be under the necessity of demanding further pecuniary aids. The

circumstances that may render these necessary may likewise render it difficult to obtain, especially should they defer asking them until these circumstances are made public. This arrangement then may facilitate their aid. Should it require promptness, and should it be impolitic or too hazardous to seek it elsewhere than in France, she may then grant it, without being obliged to increase her taxes by means of the actual product of her debt. If this consideration has any weight, it follows that the proposed arrangement should be delayed as short a time as possible. The English funds fall, and which can only be attributed to the apprehension that a dangerous contest may be occasioned by the refusal of the Court of London to evacuate the forts.

The proposed arrangement requiring his Majesty's *arrêt*, the following is a sketch of one if offered.

Sketch of an *arrêt*. Louis, &c.

Upon representations made to us that the sums we have lent to the United States, our dear allies, will not be returned until a distant period, and that by turning our debts into negotiable notes they will enter immediately into circulation, and would afford the said States an advantageous opportunity of discharging the same, both by means of removing the necessity of remitting to Europe the necessary funds for the payment of the interest and capital of part of their debt represented by the bills which their circulation shall have brought among them, as also by the opportunities that this circulation may offer of exchanging lands for these bills, which will thereby give a new spring to the cultivation which the United States desire to extend and accelerate, and upon being assured that such an operation would really produce those advantages to the United States, without the least inconveniency which suggested the measure, especially by guarantying the payment of said bills to the possessors. We have, therefore, &c., &c.

Another preamble. Louis, &c.

Ever considering what may be advantageous to the United States, and facilitate to them the means of extricating themselves from a debt which they have been obliged to contract, as well with us as with other Powers, and particularly their liberation from the loan of the year ———, the period of reimbursement being near at hand, have conceived that it will be a fresh proof of our good will by giving a form to this loan, which will bring it into circulation by making it

negotiable. It appears to us that by converting this sum of —— into bills, payable to the bearer, to the amount of —— livres each, with term of interest, payable at fixed places, we should furnish the United States with a simple mode of reimbursing successively within themselves, and without any distress, the bills which will be thrown into commerce. In operating this conversion, we have thought it incumbent on our justice, the dignity of our crown, and our affection for our dear allies, to guaranty the security and the payment of these bills with their interest. This guarantee will, moreover, afford a fresh proof of the value we fix on preserving our alliance with the United States. We have been the more inclined to adopt this advantageous method for the United States, as it is perfectly reconcileable with the interests of our subjects, with the circumstances and disposition we are in to free our State by degrees of all its debts and charges. For these reasons, &c., &c.

The articles of the *arrêt* will have in view :

1st. To create bills payable to the bearer to the amount of the sum lent to the United States in the year ——, the fixed period of whose reimbursement falls in ——, which bills shall each be of ——, and amounting to —— numbers, from number one to number ——, agreeable to the model annexed to the *arrêt*.

2d. To fix the period of reimbursement, and the number of bills which shall be reimbursed at each period. This must be determined by lot. The reimbursements to be made in Paris, Amsterdam, Philadelphia, Boston, New York, Charleston, with bankers, who shall be appointed.

3d. The number of bills which, by lot to be reimbursed, shall be published four months before the reimbursement, by means of the public prints most generally known in Europe and America.

4th. To determine where the lots shall be drawn. This would appear to be most proper in one of the cities of the United States.

5th. Until the reimbursements the bills shall draw an annual interest of six per cent., which shall be paid every year, commencing from ——, in the cities marked out in the —— article, and by the bankers to be appointed. This payment shall have effect on presentation of the original bill, to which shall be annexed the dividends of interest, agreeable to the model, &c.

6th. The reimbursed bills shall be withdrawn as being extinguished, as also the interest not due. The bankers who shall have paid them

shall account for the same with the United States by representing them, and these shall successively forward the list to his Majesty's Ambassador to serve as a discharge for his Majesty's guarantee, in proportion as the United States shall reimburse them.

N. B. It appears indispensable to prevent counterfeits and remove all obstacles in the way of the circulation of the bills, that they be stamped by the Ambassador of the United States, an operation which, as well as the others mentioned in the *arrêt*, only to be announced in concert with the United States.

Extract from the Secret Journal of Congress, October 2, 1787.

The Board of the Treasury, to whom was referred an extract of a Letter from the Honorable Mr. Jefferson, Minister Plenipotentiary to the Court of France, having reported,

That the said Minister states, "That a proposition has been made 'to Monsieur de Calonne, Minister of the Finances of France, by 'a company of Dutch merchants, to purchase the debt due from the 'United States to the Crown of France, giving for the said debt, 'amounting to twenty-four million of livres, the sum of twenty million 'of livres: That information of this proposition has been given to 'him by the agent of the said company, with the view of ascer- 'taining whether the proposed negotiation should be agreeable to 'Congress."

That the said Minister suggests, "That if there is danger of the 'public payments not being punctual, whether it might not be better 'that the discontents which would then arise should be transferred 'from a Court, of whose good will we have so much need, to the 'breasts of a private company.

"That the credit of the United States is sound in Holland; and 'that it would probably not be difficult to borrow in that country 'the whole sum of money due to the Court of France, and to 'discharge that debt without any deduction, thereby doing what 'would be grateful with the Court, and establishing with them a 'confidence in our honor."

On a mature consideration of the circumstances abovementioned, the Board beg leave to observe,

That, at the time the debt due from the United States to the Crown of France was contracted, it could not have been foreseen that the different members of the Union would have hesitated to make effectual provision for the discharge of the same, since it had been contracted for the security of the lives, liberty, and property of their several citizens, who had solemnly pledged themselves for its redemption; and that, therefore, the honor of the United States cannot be impeached for having authorized their Minister at the Court of France to enter into a formal convention, acknowledging the amount of the said debt, and stipulating for the reimbursement of the principal and interest due thereon.

That, should the United States at this period give any sanction to the transfer of this debt, or attempt to make a loan in Holland, for the discharge of the same, the persons interested in the transfer or in the loan would have reason to presume that the United States, in Congress, would make effectual provision for the punctual payment of the principal and interest.

That the prospect of such provision being made within a short period, is by no means flattering; and though the credit of the United States is still sound in Holland, from the exertions which have been made to discharge the interest due to the subscribers to the loans in that country, yet, in the opinion of this Board, it would be unjust, as well as impolitic, to give any public sanction to the proposed negotiation. Unjust, because the nation would contract an engagement without any well-grounded expectation of discharging it with proper punctuality. Impolitic, because a failure in the payment of interest accruing from this negotiation, (which would inevitably happen,) would justly blast all hopes of credit with the citizens of the United Netherlands when the exigencies of the Union might render new loans indispensably necessary.

The Board beg leave further to observe that, although a grateful sense of the services rendered by the Court of France, would undoubtedly induce the United States, in Congress, to make every possible exertion for the reimbursement of the moneys advanced by his most Christian Majesty, yet, that they cannot presume that it would tend to establish in the mind of the French Court an idea of the national honor of this country to involve individuals in a heavy loan, at a time when Congress were fully sensible that their resources were altogether inadequate to discharge even the interest

of the same, much less the instalments of the principal, which would from time to time become due. How far the idea of transferring the discontent which may prevail in the French Court for want of the punctual payment of interest to the breast of the private citizens of Holland would be consistent with sound policy, the Board forbear to enlarge on.

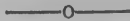
It may be proper, however, to observe that the public integrity of a nation is the best shield of defence against any calamities to which, in the course of human events, she may find herself exposed.

This principle, so far as it respects the conduct of the United States in contracting the loans with France, cannot be called in question. The reverse would be the case should the sanction of the United States be given, either to the transfer of the French debt or to the negotiation of a loan in Holland, for the purpose of discharging it.

If it be further considered that the consequences of a failure in the punctual payment of interest on the moneys borrowed by the United States, can by no means be so distressing to a nation (and one powerful in resources) as it would be to individuals, whose dependence for support is frequently on the interest of the moneys loaned, the board presume that the proposed negotiation cannot be considered at the present juncture, in any point of view, either as eligible or proper. Under these circumstances they submit it as their opinion :

That it would be proper without delay to instruct the Minister of the United States at the Court of France not to give any sanction to any negotiation which may be proposed for transferring the debt due from the United States, to any State or company of individuals who may be disposed to purchase the same.

Resolved, That Congress agree to the said report.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, December 26, 1786.

Dear Sir,

A note from me of the 22d of September apprized you it would be some time before I should be able to answer your letters. I did not then expect it would have been so long.

I enclose herein a resolution of Congress recalling Mr. Lamb, which I will beg the favor of you to have delivered him. I have written to Mr. Adams on the subject of directing him to settle with Mr. Barclay, and attend his answer. In the meantime, I am not without hopes Mr. Barclay has done the business. I send, also, a note desiring Mr. Lamb to deliver you his cypher, and a copy of a letter from the Minister of Finance here to me announcing several regulations in favor of our commerce.

My Notes on Virginia, having been hastily written, need abundance of corrections. Two or three of these are so material, that I am reprinting a few leaves to substitute for the old. As soon as these shall be ready, I will beg your acceptance of a copy. I shall be proud to be permitted to send a copy, also, to the Count de Campomanes, as a tribute to his science and his virtues. You will find in them that the Natural Bridge has found an admirer in me also. I should be happy to make with you the tour of the curiosities you will find therein mentioned. That kind of pleasure surpasses much, in my estimation, whatever I find on this side of the Atlantic. I sometimes think of building a little hermitage at the Natural Bridge, (for it is my property,) and of passing there a part of the year at least.

I have received American papers to the 1st of November. Some tumultuous meetings of the people have taken place in the Eastern States, *i. e.*, one in Massachusetts, one in Connecticut, and one in New Hampshire. Their principal demand was a respite in the judiciary proceedings. No injury was done, however, in a single instance, to the person or property of any one, nor did the tumult continue twenty-four hours in any one instance. In Massachusetts, this was owing to the discretion which the malcontents still preserved. In Connecticut and New Hampshire the body of the people rose in support of government, and obliged the malcontents to go to their homes. In the last-mentioned State they seized about forty, who were in jail for trial. It is believed this incident will strengthen our Government. These people are not entirely without excuse. Before the war these States depended on their whale oil and fish. The former was consumed in England, and much of the latter in the Mediterranean. The heavy duties on American whale oil, now required in England, exclude it from that market, and the Algerines exclude them from bringing their fish into the Mediterranean.

France is opening her ports for their oil, but in the meanwhile their ancient debts are pressing them, and they have nothing to pay with. The Massachusetts Assembly, too, in their zeal for paying the public debt, had laid a tax too heavy to be paid in the circumstances of their State. The Indians seem disposed, too, to make war upon us. These complicated causes determined Congress to increase their forces to two thousand men. The latter was the sole object avowed, yet the former entered for something into the measure. However, I am satisfied the good sense of the people is the strongest army our Government can ever have, and that it will not fail them. The commercial convention at Annapolis was not full enough to do business. They found, too, their appointments too narrow, being confined to the article of commerce. They have proposed a meeting at Philadelphia in May, and that it may be authorized to propose amendments of whatever is defective in the Federal Constitution.

When I was in England I formed a portable copying press on the principle of the large one they make there, for copying letters. I had a model made there, and it has answered perfectly. A workman here has made several from that model. The itinerant temper of your Court will, I think, render one of these useful to you. You must, therefore, do me the favor to accept of one. I have it now in readiness, and shall send it by the way of Bayonne, to the care of Mr. Alexander there, unless Don Miguel de Lardizabel can carry it with him.

My hand admonishes me it is time to stop, and that I must defer writing to Mr. Barclay till to-morrow.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, December 31, 1786.

Sir,

I had the honor of addressing you on the 12th of the last month, since which your favor of October 12th has been received, enclosing a copy of the resolution of Congress for recalling Mr. Lamb. My letter by Mr. Randall informed you that we had put an end to his powers, and required him to repair to Congress. I lately received a

letter from him, dated Alicant, October 10th, of which I have the honor to enclose you a copy, by which you will perceive that the circumstance of ill health, either true or false, is urged for his not obeying our call. I shall immediately forward the order of Congress. I am not without fear that some misapplication of the public money may enter into the causes of his declining to return. The moment that I saw a symptom of this in his conduct, as it was a circumstance which did not admit the delay of consulting Mr. Adams, I wrote to Mr. Carmichael to stop any moneys which he might have in the hands of his banker. I am still unable to judge whether he is guilty of this or not, as by the arrangements with Mr. Adams, who alone had done business with the bankers of the United States in Holland, Mr. Lamb's drafts were to be made on him, and I know not what their amount has been. His drafts could not have been negotiated if made on us both at places so distant. Perhaps it may be thought that the appointment of Mr. Lamb was censurable in the moment in which it was made. It is a piece of justice, therefore, which I owe to Mr. Adams to declare that the propositions went first from me to him. I take the liberty of enclosing you a copy of my letter to Mr. Adams, of September 24th, 1785, in which that proposition was made. It expresses the motives operating on my mind in that moment, as well as the cautions I thought it necessary to take; to these must be added the difficulty of finding an American in Europe fit for the business, and willing to undertake it. I knew, afterwards, that Dr. Bancroft (who is named in the letter) could not, on account of his own affairs, have accepted even a primary appointment. I think it evident that no appointment could have succeeded without a much greater sum of money.

I am happy to find that Mr. Barclay's mission has been attended with complete success. For this we are indebted, unquestionably, to the influence and good offices of the Court of Madrid. Colonel Franks, the bearer of this, will have the honor to put into your hand the original of the treaty, with other papers accompanying it. It will appear by these that Mr. Barclay has conducted himself with a degree of intelligence and of good faith which reflect the highest honor on him.

A copy of a letter from Captain O'Bryen to Mr. Carmichael is also herewith enclosed. The information it contains will throw

further light on the affairs of Algiers. His observations on the difficulties which arise from the distance of Mr. Adams and myself from that place, and from one another, and the delays occasioned by this circumstance, are certainly just. If Congress should propose to receive the negotiations, they will judge whether it will not be more expedient to send a person to Algiers who can be trusted with full powers, and also whether a mission to Constantinople may not be previously necessary. Before I quit this subject I must correct an error in the letter of Captain O'Bryen. Mr. Lamb was not limited, as he says, to one hundred, but to two hundred dollars apiece for our prisoners. This was the sum which had been just paid for a large number of French prisoners, and this was our guide.

The difference between Russia and the Porte seems patched up for the present. That between Spain and Naples is not yet healed, and probably will not be cordially; but if it does not lead to a war it will probably end in a settled coolness, and the King of Spain's ceasing to interfere with that Government. The mediation of this Court, I suppose, has been excited by the fear that Naples might throw itself into the other scale of the European balance. This has been much feared from the new King of Prussia. Such a weight as this shifted into the scale of the Emperor, Russia and England would spread a cloud over the prospects of this kingdom. Of the possibility of this event you will be so much better informed by Mr. Dumas, that it would be going out of my province to take up more of your time with it. The packets at L'Orient have orders to go to Havre, from which place they will ply after the month of February. This will enable me to resume that channel of correspondence with you, as I can always send a confidential servant by the diligence in twenty-four hours to that place, to put my letters in the hand of our agent there, who will find a passenger or other trusty person to take charge of them without their going into the post mail. Through passengers and the same agent your letters to me may be safely conveyed unopened. I enclose you the Leyden and French Gazettes to this date. In the latter you will find an authentic copy of the treaty between France and England. I am also desired to send you the papers in the case of André Caron, praying that justice may be done him.

I have the honor of being, &c.,

TH: JEFFERSON.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Alicant, October 10, 1786.

I have received your Excellency's letter. I am not able to take passage by sea or land; I have been confined these three months.

I am exceedingly sorry that I cannot have a full settlement in Europe; what I have written concerning it is real.

The letter of credit I will return by the first safe hand. By post all my letters are broken, therefore I think it will be unsafe by that method of conveyance; but in the meantime shall draw no more.

I am, with great respect, &c.,

JOHN LAMB.

EXTRACT OF A LETTER FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, September 24, 1785.

Sir,

My letter of September 19th, written the morning after Mr. Lamb's arrival here, would inform you of that circumstance. I transmit you, herewith, copies of the papers he brought to us on the subject of the Barbary treaties. You will see by them that Congress has adopted the very plan which we were proposing to pursue. It will now go on under less danger of objection from the other parties. The receipt of these new papers, therefore, has rendered necessary no change in matters of substance in the despatches we had prepared, but they render some formal changes necessary; for instance, in our letter of credence for Mr. Barclay to the Emperor of Morocco, it becomes improper to enter into those explanations which seemed proper when that letter was drawn, because Congress in their letter enter into that explanation. In the letter to the Count de Vergennes it became proper to mention the new full powers received from Congress, and which, in some measure, accord with the idea communicated by him to us from the M. de Castries. These and other formal alterations which appeared necessary to me I have made, leaving so much of the original drafts, approved and amended by you, as were not inconsistent with these alterations. I have, therefore, had them prepared fair to save you the trouble of copying; yet, whenever you choose to make alterations, you will be so good as to make them, taking, in that case, the trouble of having new fair copies made out.

You will perceive by Mr. Jay's letter that Congress had not thought proper to give Mr. Lamb any appointment. I imagine they apprehended it might interfere with measures actually taken by us. Notwithstanding the perfect freedom which they are pleased to leave to us on this subject, I cannot feel myself clear of that bias which a presumption of their pleasure gives, and ought to give. I presume that Mr. Lamb met their approbation, because of the recommendations he carried from the Governor and State of Connecticut; because of his actual knowledge of the country and people of those States of Barbary; because of the detention of these letters from March to July, which, considering their pressing nature, would otherwise have been sent by other Americans who, in the meantime, have come from New York to Paris; and because, too, of the information we received from Mr. Jarvis. These reasons are not strong enough to set aside our appointment of Mr. Barclay to Morocco. That, I think, should go on, as no man could be sent who would enjoy more the confidence of Congress; but they are strong enough to induce me to propose to you the appointment of Lamb to Algiers. He has followed for many years the Barbary trade, and seems intimately acquainted with those States. I have not seen enough of him to judge of his abilities. He seems not deficient, as far as I can see, and the footing on which he comes must furnish a presumption for what we do not see. We must say the same as to his integrity. We must rely for this on the recommendations he brings, as it is impossible for us to judge of this for ourselves, yet it will be our duty to use such reasonable cautions as are in our power. Two occur to me. 1st. To give him a clerk capable of assisting and attending to his proceedings, and who, in case he thought anything was doing amiss, might give us information. 2d. Not to give a credit on Van Staphorst and Willink, but let his drafts be made on yourself, which, with the knowledge you will have of his proceedings, will enable you to check them if you are sensible of any abuse intended. This will give you trouble; but as I have never found you declining trouble when it is necessary, I venture to propose it. I hope it will not expose you to inconvenience, as by instructing Lamb to insert in his drafts a proper usance you can, in the meantime, raise the money for them by drawing on Holland. I must inform you that Mr. Barclay wishes to be put on the same footing with Mr. Lamb as to this article, and therefore I

return you your letter of credit on Van Staphorst & Co. As to the first article, there is great difficulty. There is nobody at Paris fit for the undertaking who would be likely to accept it—I mean there is no American, for I should be anxious to place a native in the trust. Perhaps you can send us one from London. There is a Mr. Randolph* there, from New York, whom Mr. Barclay thinks might be relied on very firmly for integrity and capacity. He is there for his health. Perhaps you can persuade him to go to Algiers in pursuit of it; if you cannot, I really know not what will be done. It is impossible to propose to Bancroft to go in a secondary capacity. Mr. Barclay and myself have thought of Cairnes, at L'Orient, as a dernier resort; but it is uncertain, or rather improbable, that he will undertake it. You will be pleased, in the first place, to consider of my proposition to send Lamb to Algiers, and in the next all the circumstances before detailed as consequences of that.

The enclosed letter from Richard O'Bryen furnishes powerful motives for commencing by some means or other the treaty with Algiers, more immediately than would be done if left to Mr. Barclay. You will perceive by that that two of our vessels, with their crews and cargoes, have been carried captive into that port. What is to be done as to those poor people? I am for hazarding the supplementary instruction to Lamb which accompanies these papers. Alter it or reject it, as you please. You ask what I think of claiming the Dutch interposition. I doubt the fidelity of any interposition too much to desire it sincerely. Our letters to this Court heretofore seemed to oblige us to communicate with them on the subject. If you think the Dutch would take amiss our not applying to them, I will join you in the application; otherwise, the fewer are apprized of our proceedings the better. To communicate them to the States of Holland is to communicate them to the world.

FROM JOHN PAUL JONES TO THOMAS JEFFERSON.

Paris, August 16, 1786.

Sir,

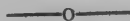
Having no roll of the *Ariel* in my possession, I am unable to determine the legality of the claim expressed in the papers you did.

* Ought to be Randall.

me the honor to send for my opinion. The papers of that frigate were deposited in the Admiralty at Philadelphia, I think in April or May, 1781; and I remember that some arrangement with Mr. Holker was spoken of by the Board for the wages due to the marines, who, being French subjects, were claimed by the Chevalier de la Luzerne, and sent to join Monsieur des Touches, at Rhode Island. As this happened in the moment when paper money was going out of circulation, perhaps the men have not been paid. The truth can only be known by writing to America, unless you think fit to consult the Count des Touches, with whom they embarked at Philadelphia for Rhode Island.

I have the honor to be, &c.,

PAUL JONES.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January, 9 1787.

Sir,

My last, of December 31st, acknowledged the receipt of yours of October 12, as the present does those of October 3d, 9th, and 27th, together with the resolution of Congress of October 16, on the claim of Schweighauser. I will proceed in this business on the return of Mr. Barclay, who, being fully acquainted with all the circumstances, will be enabled to give me that information, the want of which might lead me to do wrong on the one side or the other.

Information of the signature of the treaty with Morocco has been long on its passage to you. I will beg leave to recur to dates, that you may see that no part of it has been derived from me. The first notice I had of it was in a letter from Mr. Barclay, dated Daral-beyda, August 11th. I received this on the 13th September. No secure conveyance offered till the 26th of the same month, being thirteen days after my receipt of it. In my letter of that date, which went by the way of London, I had the honor to enclose you a copy of Mr. Barclay's letter. The conveyance of the treaty itself is suffering a delay here at present, which all my anxiety cannot prevent. Colonel Frank's baggage which came by water from Cadiz to Rouen, has been long and hourly expected. The moment it arrives, he will set out for London, to have duplicates of the treaty signed by Mr. Adams, and from thence he will proceed to New

York. The Chevalier del Pinto, who treated with us on behalf of Portugal, being resident at London, I have presumed that the causes of the delay of that treaty had been made known to Mr. Adams, and by him communicated to you. I will write to him by Colonel Franks, in order that you may be answered on that subject.

The publication of the enclosed extract from my letter of May 27th, 1786, will, I fear, have very mischievous effects. It will tend to draw on the Count de Vergennes, the formidable phalanx of the Farms, to prevent his committing himself to me in any conversation which he does not mean for the public papers, to inspire the same diffidence into all other Ministers with whom I might have to transact business, of getting aid of the Farm on the article of tobacco, and to damp that freedom of communication which the resolution of Congress, May 3d, 1784, was intended to reëstablish.

Observing by the proceedings of Congress, that they are about to establish a coinage, I think it my duty to inform them that a Swiss of the name of Drost, established here, has invented a method of striking the two faces and edge of a coin at one stroke. By this and other simplifications of the process of coinage, he is enabled to coin from twenty-five thousand to thirty thousand pieces a day, with the assistance of only two persons, the pieces of metal being first prepared. I send you, by Colonel Franks, three coins of gold, silver, and copper, which you will perceive to be perfect medals, and I can assure you, from having seen him coin money, that every piece is as perfect as these. There has certainly never yet been seen any coin in any country comparable to this. The best workmen in this way acknowledge that his is like a new art. Coin should always be made in the highest perfection possible, because it is a great guard against the danger of false coinage. This man would be willing to furnish his implements to Congress, and, if they please, he will go over and instruct a person to carry on the work; nor do I believe he would ask anything unreasonable. It would be very desirable that in the institution of a new coinage we should set out on so perfect a plan as this, and the more so as while the work is so exquisitely done it is done cheaper.

I will certainly do the best I can for the reformation of the Consular convention, being persuaded that our States would be very unwilling to conform their laws either to the convention or to the scheme; but it is too difficult and too delicate to form sanguine hopes.

However, that there may be room to reduce the convention as much as circumstances will admit, will it not be expedient for Congress to give me powers in which there shall be no reference to the scheme? The powers sent me oblige me to produce that scheme; and certainly the moment it is produced they will not abate a tittle from it. If they recollect the scheme and insist on it we can but conclude it; but if they have forgotten it, (which may be,) and are willing to reconsider the whole subject, perhaps we may get rid of something the more of it, as the delay is not injurious to us; because the convention, whenever and however made, is to put us in a worse state than we are in now. I shall venture to defer saying a word on the subject till I can hear from you in answer to this. The full powers may be sufficiently guarded, by private instructions to me not to go beyond the former scheme. This delay may be well enough ascribed (whenever I shall have received new powers) to a journey I had before apprized the Minister that I should be obliged to take to some mineral waters in the south of France, to see if by their aid I may recover the use of my right hand, of which a dislocation about four months ago threatens to deprive me in a great measure. The surgeons have long insisted upon this measure. I shall return by Bordeaux, Nantes, and L'Orient, to get the necessary information for finishing our commercial regulations here. Permit me, however, to ask as immediately as possible an answer either affirmative or negative, as Congress shall think best, and to ascribe the delay on which I venture to my desire to do what is for the best.

I send you a copy of the late marine regulations of this country. There are things in it which may become interesting to us, particularly what relates to the establishment of a marine militia, and their classification.

You will have seen in the public papers that the King has called an assembly of the Notables of his country. This has not been done for one hundred and sixty years past. Of course it calls up all the attention of the people. The objects of this assembly are not named; several are conjectured: the tolerating the Protestant religion, removing all the custom-houses to the frontier, equalizing the *Gabelles* on salt through the kingdom, the sale of the King's domains to raise money; or, finally, the effecting this necessary end by some other means are talked of; but in truth nothing is known about it. This Government practises secrecy so systematically that

it never publishes its purposes or its proceedings sooner or more extensive than necessary. I send you a pamphlet which, giving an account of the last *Assemblée des Notables*, may give an idea of what the present will be.

A great desire prevails here of encouraging manufactures. The famous Bolton and Watts, who are at the head of the plated manufactures of Birmingham, the steam mills of London, copying presses, and other mechanical works, have been here. It is said, also, that Wedgwood has been here, who is famous for his steel manufactures, and an earthen ware in the antique style. But as to this last person I am not certain. It cannot, I believe, be doubted but that they came at the request of Government, and that they will be induced to establish similar manufactories here. The transferring hither those manufactures which contribute so much to draw our commerce to England, will have a great tendency to strengthen our connexions with this country, and loosen them with that.

The enfranchising the port of Honfleur at the mouth of the Seine, for multiplying the connexions with us, is at present an object. It meets with opposition in the Ministry, but I am in hopes it will prevail. If natural causes operate, uninfluenced by accidental circumstances, Bordeaux and Honfleur or Havre must ultimately take the greatest part of our commerce. The former, by the Garonne and Canal of Languedoc, opens the southern provinces to us. The latter, the northern ones and Paris. Honfleur will be peculiarly advantageous for our rice and whale oil, of which the principal consumption is at Paris. Being free, they can be reëxported when the market here shall happen to be overstocked.

The labors of the ensuing summer will close the eastern half of the harbor of Cherbourg, which will contain and protect forty sail of the line. It has from fifty to thirty-five feet water next to the cones, shallowing gradually to the shore. Between this and Dunkirk the navigation of the channel will be rendered much safer in the event of a war with England, and invasions on that country become more practicable.

The gazettes of France and Leyden to the present date accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

Office for Foreign Affairs, May 10, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred that part of Mr. Jefferson's letter of the 9th January last, which relates to the Consular Convention, viz:

“I will certainly do the best I can for the reformation of the ‘Consular convention, being persuaded that our States would be very ‘unwilling to conform their laws either to the convention or to the ‘scheme, but it is too difficult and too delicate to form sanguine ‘hopes; however, that there may be room to reduce the convention, ‘as much as circumstances will admit, will it not be expedient for ‘Congress to give me powers, in which there shall be no reference ‘to the scheme? The powers sent me oblige me to produce that ‘scheme, and certainly the moment it is produced, they will not ‘abate a tittle from it. If they recollect the scheme, and insist on it, ‘we can but conclude it; but if they have forgotten it, (which may ‘be,) and are willing to reconsider the whole subject, perhaps we ‘may get rid of something the more of it. As the delay is not ‘injurious to us, because the convention, whenever and however ‘made, is to put us in a worse state than we are in now, I shall ‘venture to defer saying a word on the subject till I can hear from ‘you in answer to this. The full powers may be sufficiently guarded ‘by private instructions to me not to go beyond the former scheme. ‘This delay may be well enough ascribed (whenever I shall have ‘received new powers) to a journey I had before apprized the ‘Minister that I should be obliged to take to some mineral waters in ‘the south of France to see if by their aid I may recover the use of ‘my right hand, of which a dislocation about four months ago ‘threatens to deprive me in a great measure. The surgeons have ‘long insisted on this measure. I shall return by Bordeaux, Nantes, ‘and L’Orient to get the necessary information for finishing our ‘commercial regulations here. Permit me, however, to ask as ‘immediately as possible an answer either affirmative or negative, as ‘Congress shall think best, and to ascribe the delay on which I ‘venture to my desire to do what is for the best.” Reports:

That in his opinion the Court of France regard the Consular convention in its present form as an interesting object, and that no article or provision in it will escape their recollection. He never-

theless thinks that the policy of yielding to such circumstances as cannot without risk and hazard be neglected or controlled, will induce them at least to consent to the proposed article for limiting the duration of the convention.

As he perceives no inconvenience likely to result from giving Mr. Jefferson a commission authorizing him in general terms to negotiate and conclude a convention with his most Christian Majesty, for ascertaining the authority and powers of French and American Consuls, your Secretary thinks it will be advisable to send him such a commission, that he may thereby have an opportunity of endeavoring to realize the advantages he expects from it, and which under a new administration (perhaps not well advised of what has passed) may be attainable.

In the opinion of your Secretary, it will therefore be expedient to send Mr. Jefferson a commission of the following tenor, viz :

We, the United States of America in Congress assembled at the City of New York, to our well beloved Thomas Jefferson, Esq., our Minister Plenipotentiary at the Court of his most Christian Majesty, &c., &c., send greeting. Being desirous to promote and facilitate the commerce between our States and the dominions of his said Majesty, and for that purpose to conclude with him a convention for regulating the powers, privileges, and duties of our respective Consuls, Vice Consuls, Agents, and Commissaries, and having full confidence in your abilities and integrity, we do by these presents authorize and empower you the said Thomas Jefferson, in our name and behalf, to treat with any person having equal powers from his most Christian Majesty of and concerning such convention, and the same in our name and behalf to conclude, sign, and seal. And we do promise to ratify and confirm whatever convention shall in virtue of this commission be by you so concluded, provided the duration of the same be limited to any term not exceeding — years.

Witness our seal and the signature of his Excellency Arthur St. Clair, our President, this day of , in the year of our Lord one thousand seven hundred and eighty-seven, and the eleventh of our independence.

Your Secretary thinks it would be proper to write the two following letters to Mr. Jefferson, the *first* of which he might communicate to the Court :

Sir,*

Congress being desirous that the commerce between the United States and France may be promoted by every reciprocal regulation conducive to that end, wish that no time may be lost in ascertaining the privileges, powers, and duties of their respective Consuls, Vice Consuls, and commercial agents and commissaries.

They regret the circumstance which calls you to the south of France, but are perfectly satisfied that you should make that or any other journey which your health may require. It is their wish and instruction that, on your return to the Court, your attention may be immediately directed to the abovementioned subject. Considering that conventions of this nature, however apparently useful in theory, may, from some defects or unforeseen circumstances, be attended with inconveniences in practice, they think it best that they should be probationary, at least in the first instance, and, therefore, that the term to be assigned for the duration of the one in question should not exceed years. They also think it advisable, in order to obviate any difficulties that might arise from your not having been more formally authorized to complete this business, to give you an express and special commission for the purpose, which I have now the honor to enclose.

Sir,

You will herewith receive another letter from me of this date, together with the commission mentioned in it. Both of them are in pursuance of the ideas suggested in your letter of the 9th January last. If the whole subject should be reconsidered and a new convention formed, it is the pleasure of Congress that the duties, powers, and privileges of Consuls, Vice Consuls, Agents, and Commissaries be accurately delineated, and that they be as much circumscribed and limited as the proper objects of their appointments will admit, and the Court of France consent to. How far it may be in your power to obtain a convention perfectly unexceptionable must depend on several circumstances not yet decided.

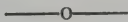
Congress confide fully in your talents and discretion, and they will ratify any convention that is not liable to more objections than

* This and the following letter were forwarded to Mr. Jefferson, and dated July 27, 1787.

the one already in part concluded, provided an article limiting its duration to a term not exceeding twelve years be inserted.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, January 11, 1787.

Sir,

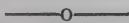
Mr. Jay, in his last letter to me, observes they hear nothing further of the treaty with Portugal. I have taken the liberty of telling him that I will write to you on the subject, and that he may expect to hear from you on it by the present conveyance. The Chevalier del Pinto being at London, I presume he has, or can, inform you why it is delayed on their part. I will thank you, also, for the information he shall give you.

There is here an order of priests called the Mathurins, the object of whose institution is the begging of alms for the redemption of captives. About eighteen months ago they redeemed three hundred, which cost them about fifteen hundred livres apiece. They have agents residing in the Barbary States, who are constantly employed in searching and contracting for the captives of their nation, and they redeem at a lower price than any other people can. It occurred to me that their agency might be engaged for our prisoners at Algiers. I have had interviews with them, and the last night a long one with the General of the order. They offer their services with all the benignity and cordiality possible. The General told me he could not expect to redeem our prisoners as cheap as their own, but that he would use all the means in his power to do it on the best terms possible, which will be the better, as there will be the less suspicion that he acts for our public. I told him I would write to you on the subject, and speak to him again. What do you think of employing them, limiting them to a certain price, as three hundred dollars, for instance, or any other sum you think proper? He will write immediately to his instruments there, and in two or three months we can know the event. He will deliver them at Marseilles, Cadiz, or where we please, at our expense. The money remaining of the fund destined to the Barbary business may, I suppose, be drawn on

for this object. Write me your opinion, if you please, on this subject, finally, fully, and immediately, that, if you approve the proposition, I may enter into arrangements with the General before my departure to the waters of Aix, which will be about the beginning of February.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, February 1, 1787.

Sir,

My last letters were of the 31st December and 9th of January. Since which last date I have been honored with yours of December the 13th and 14th. I shall pay immediate attention to your instructions relative to the South Carolina frigate. I had the honor of informing you of an improvement in the art of coining made here by one Drost, and of sending you, by Colonel Franks, a specimen of his execution in gold and silver. I expected to have sent also a coin of copper. The enclosed note from Drost will explain the reason why this was not sent. It will let you see, also, that he may be employed, as I suppose he is not so certain as he was of being engaged here. Mr. Grand, who knows him, gives me reason to believe he may be engaged reasonably. Congress will decide whether it be worth their attention.

In some of my former letters, I suggested an opportunity of obliging this Court by borrowing as much money in Holland as would pay the debt due here, if such a loan could be obtained, as to which I was altogether ignorant. To save time I wrote to Mr. Dumas to know whether he thought it probable a loan could be obtained, enjoining him the strictest secrecy, and informing him I was making the inquiry merely of my own motion, and without instruction. I enclose you his answer. He thinks purchasers of the debt could be found with a sacrifice of a small part of the capital, and a postponement be obtained of some of the first reimbursements. The proposition for an immediate adoption of this measure by me was probably urged on his mind by a desire to serve our country, more than a strict attention to my duty and the magnitude of the object. I hope, on the contrary, that if it should be

thought worth a trial, it may be put into the hands of Mr. Adams, who knows the ground, and is known there, and whose former successful negotiations in this line would give better founded hopes of success on this occasion.

I formerly mentioned to you the hopes of preferment entertained by the Chevalier de la Luzerne. They have been baffled by events, none of the vacancies taking place which had been expected. Had I pressed his being ordered back, I have reason to believe the order would have been given; but he would have gone back in ill humor with Congress. He would have laid forever at their door the failure of promotion then viewed as certain, and this might have excited dispositions that would have disappointed us of the good we hoped from his return. The line I have observed with him has been to make him sensible that nothing more was desired by Congress than his return; but that they would not willingly press it, so as to defeat him of a personal advantage. He sees his prospects fail, and will return in the approaching spring unless something unexpected should turn up in his favor. In this case the Count de Moustier has the promise of succeeding to him; and if I do not mistake his character, he would give great satisfaction. So that I think you may count on seeing the one or the other by midsummer.

It had been suspected that France and England might adopt those concerted regulations of commerce for their West Indies, of which your letter expresses some apprehensions, but the expressions on the 4, 5, 7, 11, 18, and other articles of their treaty, which communicate to the English the privileges of the most favored *European* nation only, has lessened, if not removed, those fears. They have clearly reserved a right of favoring, specially, any nation not European; and there is no nation out of Europe, who could so probably have been in their eye at that time as ours. They are wise. They must see it probable, at least, that any concert with England will be but of short duration; and they could hardly propose to sacrifice for that a connexion with us which may be perpetual.

We have been for some days in much inquietude for the Count de Vergennes. He is very seriously ill. Nature seems struggling to decide his disease into gout. A swelled foot at present gives us a hope of this issue. His loss would at all times have been very great, but it would be immense during the critical poise of European affairs existing at this moment. I enclose you a letter from one of the

foreign officers, complaining of the non-payment of their interest. It is only one out of many I have received. This is accompanied by a second copy of the Moorish declaration sent me by Mr. Barclay. He went to Alicant to settle with Mr. Lamb, but on his arrival there found he was gone to Minorca. A copy of this letter will inform you of this circumstance, and of some others relative to Algiers, with his opinion on them. Whatever the States may enable Congress to do for obtaining the peace of that country, it is a separate question, whether they will redeem our captives, how, and at what price? If they decide to redeem them, I will beg leave to observe that it is of great importance that the first redemption be made at as low a price as possible, because it will form the future tariff. If these pirates find that they can have a very great price for Americans, they will abandon, proportionably, their pursuits against other nations to direct them towards ours; that the choice of Congress may be enlarged as to the instruments they may use for effecting the redemption. I think it my duty to inform them that there is here an order of priests called the Mathurins, the object of whose institution is to beg alms for the redemption of captives. They keep members always in Barbary searching out the captives of their own country, and redeem, I believe, on better terms than any other body, public or private. It occurred to me that their agency might be obtained for the redemption of our prisoners at Algiers. I obtained conferences with the General, and with some members of the order. The General, with all the benevolence and cordiality possible, undertook to act for us if we should desire it. He told me that their last considerable redemption was of about three hundred prisoners, who cost them somewhat upwards of fifteen hundred livres a piece, but that they should not be able to redeem ours as cheap as they do their own; and that it must be absolutely unknown that the public concern themselves in the operation, or the price would be greatly enhanced. The difference of religion was not once mentioned, nor did it appear to me to be thought of. It was a silent reclamation and acknowledgment of fraternity between two religions of the same family, which historical events of ancient date had rendered more hostile to one another than to their common adversaries. I informed the General that I should communicate the good dispositions of his order to those who alone had the authority to decide whatever related to our captives. Mr. Carmichael informs

me that moneys have been advanced for the support of our prisoners at Algiers, which ought to be replaced. I infer from the context of his letter that these advances had been made by the Court of Madrid. I submit the information to Congress.

A treaty of commerce is certainly concluded between France and Russia. The particulars of it are yet secret.

I enclose the gazettes of France and Leyden to this date.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM MR. DROST.

Sir,

I have the honor to inform you that I cannot make the gold piece you require of me, as I am not allowed to do it without running the risk of displeasing the Government, having received orders to that effect. Will you have the goodness to inform Mr. Jefferson that, in consequence of this, he cannot have the pieces which he has asked of me, as it is not in my power to make them at present, nor before I receive new orders.

I have not yet had time to begin the memorandum which you have had the goodness to require of me relative to the coining of money. I am more than ever determined to accept the offers which may suit me, and even to go to a foreign country. Thus, sir, if Congress will allow me a reasonable salary, I will establish for them all the necessary machinery for coining the finest money that has, perhaps, ever existed, and besides with less expenses. I think that it will be sufficient to make an estimate in this memorandum of the cost of those machineries which might be established; that is to say, to have made here to be sent afterwards to America. As to the coinage of specie, it is more difficult to fix an exact price; all I can say is, that they can be done at a less price than they cost here, whatever it may be. I shall willingly take charge of the machines, of the coins, and the engraving of them, according to a price agreed upon; and as to the mixing of metals, of gold and silver, I should not like to meddle with it. Besides I shall have sufficient employment in constructing the machines, in flattening, cutting, fitting the pieces, and stamping them. I shall make it my business to collect

all the necessary information for the memorandum; and I shall have the honor to give it to you as soon as it is done, and also to confer with you on the subject.

I am, with great respect, sir, &c.,

DROST.

FROM CHEVALIER DE SIGOND TO THOMAS JEFFERSON.

Translation.

Bausser, in Provence, January 17, 1787.

Sir,

A friend who is requested by me to receive the interest due on some contracts of which I am the owner, informs me that M. Grand has not received any funds for that object. He is now two years in arrears.

Shall it be so much longer, and must we forever apply to our friends for the purpose of fulfilling our engagements, when we cannot do it ourselves?

After we have exposed our lives for the service of your States, and after we have coöperated in the great work of your independence, is it not natural that we would depend on an income so well acquired? When, during a very long war, we have deprived ourselves of all enjoyments, and when we could not even procure ourselves the absolute necessities of life, except at our own expense, is it not horrible that the States should be so long in liquidating a debt which they have authentically acknowledged as well acquired—that they do not pay even the interest?

Not thinking, sir, of such a want of good faith, I made, on my way to Paris, a loan of eighteen hundred francs, which I am pressed to reimburse, and on which I have paid the interest since the year '85.

Having always made it a point of satisfying my friends with exactness, I beg you to inform me whether you can give an order to M. Grand to pay me that sum? or whether you would rather accept a bill of exchange drawn on you for the amount, than to give me credit for the interest which is due me?

The justice of my demand is too apparent to allow you to refuse granting me one of the two means which I point out to you in order

that I may meet my engagements, and that I may be relieved from the embarrassment in which I am placed by the want of good faith in the States which you represent.

I have the honor to be, &c.,

LE CHEV. DE SIGOND.

FROM C. W. F. DUMAS TO THOMAS JEFFERSON.

Translation.

The Hague, January 23, 1787.

Sir,

Having just returned from Amsterdam, I hasten to answer the confidential question put to me by your Excellency, in your letter of 25th December last—*Whether a loan could be negotiated in Holland for the purpose of reimbursing the twenty-four millions of livres Tournois due to France?*

I have consulted in that place some intimate friends on whom I can depend as to their discretion, which shall be scrupulously observed, as well as their capacity, honesty, and perfect sufficiency for the execution of such an undertaking. This is the result of our conversation, taken down in writing, at Amsterdam, on the 20th and 21st instant, although it is transcribed and dated as above.

In regard to the credit of Congress, it is certain that it will establish itself by degrees, on a solid footing. What greatly contributes to this is the regular payment of the interest at the exact time it falls due, and especially the payment, in money, of the advances on the negotiation of two millions of florins, which Congress had at its option to make in new bonds. It is even believed that the credit would have reached to a point that encouragements might be given, with all assurances for further negotiations, if the English newspapers would cease to give accounts of the situation of affairs in America, well calculated to frighten the stockjobbers, and which are eagerly published by certain editors in their papers. These last persons belong to the faction of those who, by thwarting the efforts made in order to restore civil liberty to this country, imagine themselves that the continual reproduction of forms representing popular insurrections and commotions, (which, according to them, take place in America,) must disgust the minds of the people of the idea of adopting a

constitution, in which they would have an influence on the Government. Although there is no fear that those mischievous people will obtain their object, it is no less a pity that their artifices will make an impression on a number of ignorant persons, by making them think that, considering such troubles, such confusion and such weakness in the Government in America, it is not prudent to grant a large credit to that Government. It is possible to bring back those who are better informed to sounder ideas, but not the stockjobbers, who are more easily influenced by prejudice than by reason.

It is, then, impossible to assert positively that a new negotiation could be effected, or to determine what might be the sum and the conditions of it. What adds to this uncertainty, and gives reason to fear that at any rate this condition would be very hard, is, that it is known here that the internal debt of Congress in America can be bought at such a *price*, that the purchasers will find more profit than is granted to them here, while the security of this internal debt is as good as the external one.

What, then, in my opinion, is best to be done, is to assume here the pretensions of France to the conditions which might be stipulated, accompanied by a small sacrifice on the part of that kingdom, with liberty to negotiate funds here for a limited number of years upon the *credit of Congress*, and under the *guarantee of France*. This last condition, in which there is nothing but what would be honorable for Congress, would have an influence on the interest, which, in this case, could be obtained at a *lower* rate. Otherwise it could not be done in the present circumstances, on account of what has been mentioned above; and thus the time of payment, which will soon expire, might in that way be postponed, which, as it appears to me, will be very agreeable to Congress.

It is also believed that the sacrifice that France would make by this could not be any impediment in the way of doing it; as by this operation it could not fail of pouring in her treasury a considerable sum, which she would not be obliged to refund, and which would not become at the charge of the kingdom. Therefore it is not expected that France will make the least difficulty to grant that guarantee, as that Court knows exactly the situation of American affairs, and that it is for its interest to maintain them.

If there is any inclination to adopt this plan, my friends will willingly begin to speak on that subject, and will examine, then, the

degree of possibility there is to obtain the whole sum in a limited time, which is a point on which nothing can be done in order to determine it, except by making overtures and treating on that subject with other people. They think that, should the conditions be accepted, from three to four millions Dutch florins (from six to eight millions of livres Tournois, or from twelve to sixteen hundred thousand dollars) could promptly be found.

P. S. We had before this, and under the seal of secrecy, a conversation on that subject, with one of the most skilful men in this matter. He has absolutely confirmed our opinions; adding only, if anything should be determined upon *promptly*, that the *sacrifice* in question would be *very small*, and even that it could be lessened by a diminution of the interest. The reason of this is the present abundance of money; but as there may be a change in a short time, it is necessary to decide upon this as soon as possible.

Whilst reflecting upon all this on my journey, it has appeared to me that your Excellency and the Marquis de la Fayette could (as the only point in question is the purchasing the debt due to France) render a great service to France as well as to the United States by assisting and favoring this sale, in such a way as to reserve to Congress the *option* postponing for a few years the payment, without it being necessary that a time so valuable, and perhaps irrecoverable, should be lost, in order to consult Congress beforehand; as, in this manner, France being at liberty of selling or of endorsing the debt, for the purpose of filling its treasury, and Congress being likewise at liberty of profiting of the option, no injury whatever could be done to any one, the good opportunity would be improved, and every body would be assisted, as the *option* would be equal to the sum borrowed, and would even be more advantageous. If your Excellency approve my opinion, and will give me orders, after having conferred and agreed, if not officially, at least personally, with the French Ministers, I shall go immediately to Amsterdam for the purpose of executing them, and I shall inform you of the name of the house which has been consulted, against which I know already that neither the said Ministers nor your Excellency will have any objection.

I am, with great respect, &c.,

C. W. F. DUMAS.

Grace to the only God.

I, the underwritten, the servant of God, Taher Ben Abdelkack Fennish, do certify that his Imperial Majesty, my master, (whom God preserve,) having concluded a treaty of peace and commerce with the United States of America, has ordered me, the better to complete it, and in addition of the tenth article of said treaty, to declare "That if any vessel belonging to the United States shall be 'in any of the ports of his Majesty's dominions, or within gun-shot 'of his forts, she shall be protected as much as possible; and no 'vessel whatever, belonging to Moorish or Christian Powers, with 'whom the United States may be at war, shall be permitted to follow 'or engage her, as we now deem the citizens of America our good 'friends."

And, in obedience to his Majesty's commands, I certify this declaration by putting my hand and seal to it, on the eighteenth day of Ramadan, in the year one thousand two hundred.

The servant of the King, my master, (whom God preserve,)

TAHER BEN ABDELKACK FENNISH.

I certify the above to be the translation made by Isaac Cardoza Nunez, interpreter at the Court of Morocco, of the annexed declaration, in Arabic, made by Taher Fennish by order of the Emperor of Morocco, in addition and explanation of the tenth article of the treaty between his Majesty and the United States of America.

TH: BARCLAY.

Madrid, December 4, 1786.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON..

Alicant, January 6, 1787.

Gentlemen,

I have not had the pleasure of addressing you since my arrival at this place, being hitherto without anything to say worth your attention.

Mr. Lamb had embarked for Minorca before I got here; but as he is in correspondence with Mr. Montgomery, I was in hopes of learning through that channel the possibility of our meeting before I should return to France, a matter that I am of opinion might have been attended with some advantages.

But the letters which he has lately written held out nothing, and therefore I contented myself with writing to him the motives which induced me to come here, and am without expectation of seeing him. As the Spanish, Portuguese, and Neapolitan Ministers were preparing to embark for Carthagená, I went and passed one day at that place in hopes of learning something that might be useful, and took that opportunity of impressing on the mind of the Count d'Espilly some matters that had before been talked over at Madrid and the Escorial; and I left him seemingly in the best disposition towards our people at Algiers, and very ready to obey the instructions concerning us which the Count de Florida Blanca had given him. Since my return from Carthagená, I have received letters from thence informing me that the Count d'Espilly has orders from Court not to proceed to Algiers without further instructions, as the plague is at Constantine, within fifty leagues of that place. But as it was lately reported that the Dey, who is very far advanced in years, was much indisposed, it is no ways improbable that this circumstance may have had its weight—for the knowledge of the plague being at Constantine is not new. It was even believed, before I left Africa, that the city of Bona was depopulated with that distemper. However this may be, I most sincerely wish the negotiations respecting our country could go hand in hand with those of the European Powers; for there is no doubt that when the Barbary States have made peace with them they will turn all their views towards us; and if another capture or two be made, the terms of peace will be raised most extravagantly.

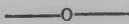
I shall make no apology to you, gentlemen, for the communicating whatever has occurred to me on this subject; and as it is probable I shall not have occasion again to resume it, I will now add that I know no American subject in Spain or France (Mr. Jefferson is out of the question) so adequate to the task of negotiating at Algiers as is Mr. Carmichael. I am perfectly convinced that when it is renewed he ought, if possible, to undertake it; and I beg leave to recommend this hint to your serious consideration. I am sure Mr. Carmichael has no objects under his care half so interesting; and if his situation will permit, he ought not to hesitate.

I wish much to know your sentiments of the treaty with Morocco. Though it is not quite as good as I desire, it is as much so as I could make it. I beg you will favor me with your opinions when

you are at leisure. The answer from Corunna is what I feared it would be—no ways decisive. It is two or three years since Mr. Carmichael endeavored to procure a settlement, and I much fear I shall be obliged to go and force one.

I am, with great respect, &c.,

THOS. BARCLAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

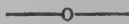
Paris, February 8, 1787.

Sir,

The packet being to sail the day after to-morrow, I have awaited the last possible moment of writing by her in hopes I might be able to announce some favorable change in the situation of the Count de Vergennes; but none has occurred, and in the meantime he has become weaker by the continuance of his illness. Though not desperately ill, he is dangerously so. The Comptroller General, M. de Calonne, has been very ill also, but he is getting well. These circumstances have occasioned the postponement of the *Assemblée des Notables* to the 14th instant, and will probably occasion a further postponement. As I shall set out this day sevensnight for the waters of Aix, you will probably hear the issue of the Count de Vergennes's illness through some other channel before I shall have the honor of addressing you again. I may observe the same as to the final decision for the enfranchisement of Honfleur, which is in a fair way of being speedily concluded. The exertions of Monsieur de Crevecoeur, and particularly his influence with the Duke d'Harcourt, the principal instrument in effecting it, have been of chief consequence in this matter.

I am, with due respect, &c.,

TH: JEFFERSON.



FROM JOHN JAY TO THOMAS JEFFERSON.

New York, April 25, 1787.

Dear Sir,

Since my last to you of the 9th February, I have been honored with yours of the 27th October, 12th November, 31st December, 9th January, and 1st and 8th February last, all of which, together

with the papers that accompanied them, have been communicated to Congress; but neither on them, nor your preceding ones, have any instructions been, as yet, ordered; so that this letter, like many others, will not be very interesting.

It is greatly to be regretted that communications to Congress are not kept more private. A variety of reasons, which must be obvious to you, oppose it; and while the Federal sovereignty remains just as it is, little secrecy is to be expected. This circumstance must undoubtedly be a great restraint on those public and private characters from whom you would otherwise obtain useful hints and information. I, for my part, have long experienced the inconvenience of it, and in some instances very sensibly.

The death of Count de Vergennes, of which Major Franks informed us, is to be lamented; and the more so as the talents, industry, and disposition towards us of his successor are uncertain. Who will take his place, is an important question to us as well as to France.

The Convention, of which you have been informed, will convene next month at Philadelphia. It is said that General Washington accepts his appointment to it, and will attend. I wish their councils may better our situation; but I am not sanguine in my expectations. There is reason to fear that our errors do not proceed from want of knowledge; and, therefore, that reason and public spirit will require the aid of calamity, to render their dictates effectual.

The insurrection in Massachusetts is suppressed, but the spirit of it exists, and has operated powerfully in the late election. Governor Bowdoin, whose conduct was upright, and received the approbation of the Legislature, is turned out, and Mr. Hancock is elected. Many respectable characters in both Houses are displaced, and men of other principles and views elected. Perhaps these accounts are exaggerated. Perhaps Mr. Hancock will support his former character, and that the present Legislature will be zealous to maintain the rights of Government, as well as respect the wishes of the people. Time alone can ascertain these matters. The language, however, of such changes is not pleasant or promising.

For your information, I enclose a copy of certain resolutions of Congress, relative to infractions of the treaty of peace. How they will be received, or what effect they will have, I know not. Some of the States have gone so far in their deviations from the treaty,

that I fear they will not easily be persuaded to tread back their steps; especially as the recommendations of Congress, like most other recommendations, are seldom efficient when opposed by interest. A mere Government of reason and persuasion is little adapted to the actual state of human nature in any age or country.

One of our five Indiamen, viz : an Albany sloop, returned, a few days ago, in four months from Canton; and I heard last evening that one or two vessels are preparing at Boston for a voyage to the Isle of France. The enterprise of our countrymen is inconceivable, and the number of young swarms daily going down to settle in the western country is a further proof of it. I fear that western country will, one day, give us trouble. To govern them will not be easy, and whether, after two or three generations, they will be fit to govern themselves, is a question that merits consideration. The progress of civilization, and the means of information, is very tardy, in sparse and separate settlements. I wish our differences with Spain, in that quarter, were well settled; but the maxim of *festina lente* does not suit our southern sanguine politicians.

The English are making some important settlements on the river St. Lawrence, &c. Many of our people go there. And it is said that Vermont is not greatly inclined to be the fourteenth State. Taxes and relaxed Governments agree but ill.

I have the honor to be, &c.,

JOHN JAY.

FROM THOMAS JEFFERSON TO M. DUMAS.

Paris, February 9, 1787.

Sir,

My last to you was dated December the 25th, since which I have been honored with your several favors of December the 29th, January the 5th, 9th, and 23d. I thought that your affairs could not be more interesting than they have been for a considerable time; yet, in the present moment, they are become more so, by the apparent withdrawing of so considerable a personage in the drama as the King of Prussia. To increase this interest, another person, whose importance scarcely admits calculation, is in a situation which fills us with alarm. Nature is struggling to relieve him by a decided

gout ; she has my sincere prayers to aid her, as I am persuaded she has yours. I have letters and papers from America as late as the 15th of December. The Government of Massachusetts had imprisoned three of the leaders of their insurgents. The insurgents being collected to the number of three or four hundred, had sent in their petition to the Government, praying another act of pardon for their leaders and themselves, and on this condition offering to go, every man, home, and conduct himself dutifully afterwards. This is the last intelligence.

I thank you for your attention to the question I had taken the liberty of proposing to you. I think with you, that it would be advisable to have our debt transferred to individuals of your country. There could, and would be no objection to the guarantee remaining as you propose ; and a postponement of the first payments of capital would surely be a convenience to us. For though the resources of the United States are great and growing, and their dispositions good, yet their machine is new, and they have not got it to go well. It is the object of their general wish at present, and they are all in movement, to set it in a good train ; but their movements are necessarily slow. They will surely effect it in the end, because all have the same end in view ; the difficulty being only to get all the thirteen States to agree on the same means. Divesting myself of every partiality, and speaking from that thorough knowledge I have of the country, their resources, and their principles, I had rather trust money in their hands than in that of any Government on earth, because, though for a while the payments of the interest might be less regular, yet the final reimbursement of the capital would be more sure.

I set out next week for the south of France, to try whether some mineral waters in that quarter, much recommended, will restore the use of my hand. I shall be absent from Paris two or three months ; but I take arrangements for the regular receipt of your favors, as if I were here. It will be better, however, for you to put your letters to Mr. Jay, under cover to Mr. Short, who remains here, and will forward them.

I have thought it my duty to submit to Congress the proposition about the French debt, and may expect their answer in four months.

Have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

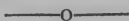
Paris, February 14, 1787.

Sir,

In the letter of the 8th instant, which I had the honor of writing you, I informed you that Count de Vergennes was dangerously ill. He died yesterday morning, and Count de Montmorin is appointed his successor. Your personal knowledge of this gentleman renders it unnecessary for me to say anything of him.

Mr. Morris, during his office, being authorized to have the medals and swords executed which had been ordered by Congress, he authorized Colonel Humphreys to take measures here for the execution. Colonel Humphreys did so, and the swords were finished in time for him to carry them. The medals not being finished, he desired me to attend to them. The workman who was to make that of General Greene brought me yesterday the medal in gold, twenty-three in copper, and the die. Mr. Short, during my absence, will avail himself of the first occasion which shall offer of forwarding the medals to you. I must beg leave, through you, to ask the pleasure of Congress as to the number they would choose to have struck. Perhaps they might be willing to deposit one of each person in every college of the United States. Perhaps they might choose to give a series of them to each of the crowned heads of Europe, which would be an acceptable present to them. They will be pleased to decide. In the mean time, I have sealed up the die, and shall retain it till I am honored with their orders as to this medal, and the others also, when they shall be finished.

With great respect and esteem, &c., TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, February 14, 1787.

Sir,

In the letter of the 8th instant, which I had the honor of writing you, I informed you of the illness of the Count de Vergennes. In one of the present date, which I send by the way of London, I have notified to you his death, which happened yesterday morning, and that the Count de Montmorin is appointed his successor, with whose character you are personally acquainted. As the winds have

been contrary to the sailing of the packet, and this may possibly reach Havre by post in time to be put on board, I avail myself of that chance of conveying you the above information.

I have the honor to be, &c.,

TH: JEFFERSON.

REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, July 11, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from the Honorable Mr. Jefferson of 14th February last, reports:

Your Secretary presumes that the following paragraph in this letter gave occasion to its being referred to him, viz: "The workman 'who was to make that of General Greene brought me yesterday the 'medal in gold, twenty-three in copper, and the die. I must beg 'leave, through you, to ask the pleasure of Congress as to the number 'they would choose to have struck. Perhaps they might be willing 'to deposit one of each person in every college of the United States. 'Perhaps they might choose to give a series of them to each of the 'crowned heads of Europe, which would be an acceptable present 'to them. They will be pleased to decide. In the mean time, I 'have sealed up the die, and shall retain it till I am honored with 'their orders as to this medal, *and the others also*, when they shall 'be finished."

As these medals were directed to be struck in order to signalize and commemorate certain interesting events and conspicuous characters, the distribution of them should, in his opinion, be such as may best conduce to that end.

He, therefore, thinks that both of Mr. Jefferson's hints should be improved, to wit: that a series of these medals should be presented to each of the crowned heads in Europe, and that one of each set be deposited in each of the American colleges. He presumes that Mr. Jefferson does not mean that any should be presented to the King of Great Britain, for it would not be delicate; nor that by crowned heads he meant to exclude free States from the compliment, for to make discrimination would give offence.

In the judgment of your Secretary, it would be proper to instruct Mr. Jefferson to present, in the name of the United States, one silver

medal of each denomination to every monarch (except his Britannic Majesty) and to every sovereign and independent State, without exception, in Europe, and also to the Emperor of Morocco. That he also be instructed to send fifteen silver medals of each set to Congress, to be by them presented to the thirteen United States respectively, and also to the Emperor of China, with an explanation and a letter, and one to General Washington. That he also be instructed to present a copper medal of each denomination to each of the most distinguished Universities (except the British) in Europe, and also to the Count de Rochambeau, to Count d'Estaing, and to Count de Grasse; and lastly, that he be instructed to send to Congress two hundred copper ones of each set, together with the dies.

Your Secretary thinks that of these it would be proper to present one to each of the American colleges, one to the Marquis de la Fayette, and one to each of the other Major Generals who served in the late American army, and that the residue, with the dies, be deposited in the Secretary's office of the United States, subject to such future orders as Congress may think proper to make respecting them.

It might be more magnificent to give golden medals to sovereigns, silver ones to distinguished persons, and copper to the colleges, &c., but, in his opinion, the nature of the American Governments, as well as the state of their finances, will apologize for their declining the expense.

All which is submitted to the wisdom of Congress.

JOHN JAY.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, February 23, 1787.

Sir,

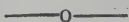
The *Assemblée des Notables* being an event in the history of this country which excites notice, I have supposed it would not be disagreeable to you to learn its immediate objects, though no way connected with our interests. The assembly met yesterday; the King, in a short, but affectionate speech, informed them of his wish to consult with them on the plans he had digested, and on the general good of his people, and his desire to imitate the head of his family,

Henry IV, whose memory is so dear to the nation. The *Garde des Sceaux* then spoke about twenty minutes, chiefly in compliment to the orders present. The Comptroller General, in a speech of about an hour, opened the budget, and enlarged on the several subjects which will be under their deliberation. He explained the situation of the finances at his accession to office, the expenses which their arrangement had rendered necessary, their present state, with the improvements made in them, the several plans which had been proposed for their further improvement, a change in the form of some of their taxes, the removal of the interior custom-houses to the frontiers, and the institution of Provincial Assemblies. The assembly was then divided into committees, with a Prince of the blood at the head of each. In this form they are to discuss, separately, the subjects which will be submitted to them; their decision will be reported by two members to the Minister, who, on view of the separate decisions of all the committees, will make such changes in his plans as will best accommodate them to their views without too much departing from his own, and will then submit them to the vote (but I believe not to the debate) of the general assembly, which will be convened for this purpose one day in every week, and will vote individually.

The event of the Count de Vergennes's death, of which I had the honor to inform you in two letters of the 14th instant, the appointment of the Count de Montmorin, and the propriety of my attending at his first audience, which will be on the 27th, have retarded the journey I had proposed a few days. I shall hope on my return to meet here new powers for the Consular convention, as under those I have it will be impossible to make the changes in the convention which may be wished for.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, July 24, 1787.

Dear Sir,

Since my letter to you of the 24th April, I have been honored with yours of 14th and 23d of February last, and with two from Mr. Short, to whom I had the pleasure of writing on the 5th instant.

I have now the honor of transmitting to you, herewith enclosed, the following papers:

A letter for the Emperor of Morocco, with a ratification of the treaty enclosed, and copies of both for your information.

This letter you will be so good as to forward by the first eligible opportunity to Don Francisco Chiappe, American Agent at Morocco, to be by him presented to the Emperor.

A letter for Mr. Fennish, to be forwarded in like manner.

A copy of an act of Congress of the 18th July instant, authorizing you to redeem our unfortunate fellow-citizens at Algiers in the manner which you suggested.

An ordinance for the government of the western country, passed the 13th instant.

The printed Journals of Congress from 6th November to 10th May last.

The late newspapers.

The other matters on which you have long had reason to expect instructions are yet under consideration.

Chevalier Jones cannot have his affairs arranged in season for him to go in this packet. He will probably sail in the next; and I flatter myself with the pleasure of being enabled by that time, if not sooner, to write you fully and satisfactorily. Nine States, for a long time past, have been but seldom represented in Congress, and hence delays, much to be regretted, have taken place.

The convention is sitting, but their proceedings are secret. Our Indian affairs in the west still give us uneasiness, and so I fear they will continue to do, for reasons you will not be at a loss to conjecture. Our affairs in general will admit of much melioration, and they will afford the convention ample field for the display of their patriotism and talents.

I have the honor to be, &c.,

JOHN JAY.

P. S. Congress yesterday passed a resolution approving Mr. Barclay's conduct in the negotiation with Morocco. They have likewise confirmed his appointment of Don Francisco Chiappe to be their agent at Morocco, Don Joseph Chiappe to be their agent at Mogadore, and Don Girolomo Chiappe to be their agent at Tangier, with which agents it is their desire that their Ministers at Versailles and London should regularly correspond. Want of time prevents my

having and sending you certified copies of these acts by this opportunity. My next shall contain what may be necessary to say further on these subjects.

Extract from the Secret Journal of Foreign Affairs, July 18, 1787.

On a report of the Secretary of the United States for the Department of Foreign Affairs, to whom was referred a petition from Hannah Stephens, praying that her husband be redeemed from captivity at Algiers, and also a letter from the Honorable Thomas Jefferson, proposing that a certain order of Priests be employed for such purposes :

Resolved, That the Honorable Thomas Jefferson, Esq., the Minister of the United States at the Court of Versailles, be, and he hereby is, authorized to take such measures as he may deem most advisable, for redeeming the American captives at Algiers, and at any expense not exceeding that which European nations usually pay in like cases.

Resolved, That the Board of Treasury be, and they hereby are, directed to provide ways and means for enabling Mr. Jefferson to defray the said expenses, either by remitting money from hence or by a credit in Europe.

FROM THOMAS JEFFERSON TO JOHN JAY.

Marseilles, May 4, 1787.

Sir,

I had the honor of receiving at Aix your letter of 9th February, and immediately wrote to the Count de Montmorin, explaining the delay of the answer of Congress to the King's letter, and desired Mr. Short to deliver that answer, with my letter, to Monsieur de Montmorin, which he accordingly informs me he has done.

My absence prevented my noting to you in the first moment the revolution which has taken place at Paris, in the Department of Finance, by the substitution of Monsieur de Fourqueaux in the place of Monsieur de Calonne ; so that you will have heard of it through other channels before this will have the honor of reaching you.

Having staid at Aix long enough to prove the inefficiency of the waters, I came to this place for the purpose of informing myself here, as I mean to do at the other seaport towns, of whatever may be interesting to our commerce, so far as carried on in our bottoms. I find it almost nothing, and so it must probably remain till something can be done with the Algerines. Though severely afflicted with the plague, they have come out within these few days, and shewed themselves in force along the coast of Genoa, cannonading a little town, and taking several vessels.

Among other objects of inquiry, this was the place to learn something more certain on the subject of rice, as it is a good emporium for that of the Levant and of Italy. I wished particularly to know whether it was the use of a different machine for cleaning which brought European rice to market less broken than ours, as had been represented to me by those who deal in that article in Paris. I found several persons who has passed through the rice country of Italy, but not one who could explain to me the nature of the machine. But I was given to believe that I might see it myself immediately on entering Piedmont. As this would require but about three weeks, I determined to go and ascertain this point, as the chance only of placing our rice above all rivalship in quality as it is in color, by the introduction of a better machine, if a better existed, seemed to justify the application of that much time to it. I found the rice country to be in truth Lombardy, one hundred miles further than had been represented, and that, though called Piedmont rice, not a grain is made in the country of Piedmont. I passed through the rice fields of the Vercelles and Milanese, about sixty miles, and returned from thence last night, having found that the machine is absolutely the same as ours, and of course we need not listen more to that suggestion. It is a difference in the species of grain of which the Government of Turin is so sensible, that, as I was informed, they prohibit the exportation of rough rice on pain of death. I have taken measures, however, for obtaining a quantity of it, which I think will not fail; and I bought on the spot a small parcel, which I have with me. As further details on this subject to Congress would be misplaced, I propose, on my return to Paris, to communicate them, and send the rice to the society at Charleston for promoting agriculture; supposing that they will be best able to try the experiment of cultivating the rice of this quality, and to commu-

nicate the species to the two States of South Carolina and Georgia, if they find it answer. I thought the staple of these two States was entitled to this attention, and that it must be desirable to them to be able to furnish rice of the two qualities demanded in Europe, especially as the greater consumption is in the forms for which the Lombardy quality is preferred. The mass of our countrymen being interested in agriculture, I hope I do not err in supposing that in a time of profound peace as the present, to enable them to adapt their productions to the market, to point out markets for them, and endeavor to obtain favorable terms of reception, is within the line of my duty.

My journey into this part of the country has procured me information which I will take the liberty of communicating to Congress. In October last I received a letter, dated Montpelier, October 2d, 1786, announcing to me that the writer was a foreigner, who had a matter of very great consequence to communicate to me, and desired I would indicate the channel through which it might pass safely. I did so. I received soon after a letter in the following words, omitting only the formal parts:

“I am a Brazilian, and you know that my unhappy country groans under a most dreadful slavery, which becomes more intolerable since the era of your glorious independence—the barbarous Portuguese sparing nothing to make us unhappy for fear that we should follow your steps. And as we know that these usurpers against the law of nature and of humanity have no other thoughts than of crushing us, we are determined to follow the striking example which you have given us, and consequently to break our chains, and to bring to life liberty, which is now dead and oppressed by physical force, which is the only power Europeans have over America. But as Spain will not fail to join Portugal, it is necessary that a nation should assist us. And notwithstanding the advantages we have for defence, we cannot do it, or at least it would not be prudent for us to run any hazard without being sure of success. Your nation, sir, is, we think, that which should most suitably assist us, because it is her that has given us the example; and also, because nature has made us inhabitants of the same continent, and has consequently constituted us in some sort countrymen. We are ready on our part to furnish all the funds that may be necessary, and to show at all times our gratitude towards

‘our benefactors. This is the substance of my intentions, and it is
 ‘to fulfil this commission that I am now in France, as I could not do
 ‘it in America without exciting some suspicions. It is for you to
 ‘judge if they can be realized. And in case you should wish to
 ‘consult your nation on the subject, I am enabled to give all the
 ‘information that you may think necessary.

“Montpelier, 21 November.”

As by this time I had been advised to try the waters of the Aix, I wrote to the gentleman my design, and that I should go off my road as far as Nismes, under the pretext of seeing the antiquities of that place if he would meet me there. He met me, and the following is the sum of the information I received from him:

“Brazil contains as many inhabitants as Portugal. They are:
 ‘1st. Portuguese. 2d. Native Whites. 3d. Black and Mulatto
 ‘slaves. 4th. Indians, civilized and savages. 1st. The Portuguese
 ‘are few in number; mostly married there; have lost sight of their
 ‘native country, as well as the prospect of returning to it, and are
 ‘disposed to become independent. 2d. The native whites form
 ‘the body of their nation. 3d. The slaves are as numerous as the
 ‘free. 4th. The civilized Indians have no energy, and the savage
 ‘would not meddle. There are twenty thousand regular troops.
 ‘Originally these were Portuguese, but as they off they were
 ‘replaced by the natives, so that these compose at present the mass
 ‘of the troops, and may be counted on by their native country.
 ‘The officers are partly Portuguese, partly Brazilian. Their bravery
 ‘is not doubted, and they understand the parade, but not the science
 ‘of their profession. They have no bias for Portugal, but no energy
 ‘neither for any thing. The Priests are partly Portuguese, partly
 ‘Brazilians, and will not interest themselves much. The Noblesse
 ‘are scarcely known as such; they will in no manner be distin-
 ‘guished from the people. The men of letters are those most
 ‘desirous of a revolution. The people are not much under the
 ‘influence of their Priests. Most of them read and write, possess
 ‘arms, and are in the habit of using them for hunting. The slaves
 ‘will take the side of their masters. In short, as to the question of
 ‘revolution, there is but one mind in that country. But there
 ‘appears no person capable of conducting a revolution, or willing to
 ‘venture himself at its head, without the aid of some powerful nation,
 ‘as the people of their own might fail them. There is no printing

‘press in Brazil. They consider the North American revolution as
‘a precedent for theirs. They look to the United States as most
‘likely to give them honest support, and from a variety of considera-
‘tions, have the strongest prejudices in our favor. This informant is
‘a native and inhabitant of Rio Janeiro, the present metropolis,
‘which contains fifty thousand inhabitants. Knows well St. Salvador,
‘the former one, and the *mines d’or*, which are in the centre of the
‘country. These are all for a revolution, and constituting the body
‘of the nation, the other parts will follow them. The King’s fifth
‘of the mines yield annually thirteen millions of crusadores, or half
‘dollars. He has the sole right of searching for diamonds and other
‘precious stones, which yields him about half as much. His income
‘alone, then, from these two resources is about ten millions of dollars.
‘annually; but the remaining parts of the produce of the mines,
‘being twenty-six millions, might be counted on for effecting a revo-
‘lution. Besides the arms in the hands of the people, there are
‘public magazines. They have abundance of horses, but only part
‘of their country would admit the service of horse. They would
‘want cannon, ammunition, ships, sailors, soldiers, and officers, for
‘which they are disposed to look to the United States, always
‘understood that every service and furniture will be well paid for.
‘Corn costs about 20 livres the 100 pounds. They have flesh in the
‘greatest abundance, insomuch that in some parts they kill beeves
‘for the skin only. The whale fishery is carried on by Brazilians
‘altogether, and not by Portuguese; but in very small vessels, so
‘that the fishermen know nothing of managing a large ship. They
‘would want of us at all times shipping, corn, and salt fish. The
‘latter is a great article, and they are at present supplied with it
‘from Portugal. Portugal, being without either army or navy, could
‘not attempt an invasion under a twelve month. Considering of
‘what it would be composed, it would not be much to be feared;
‘and, if they failed, they would probably never attempt a second.
‘Indeed, this source of their wealth being intercepted, they are
‘scarcely capable of a first effort. The thinking part of the nation
‘are so sensible of this, that they consider an early separation
‘inevitable. There is an implacable hatred between the Brazilians
‘and Portuguese, to reconcile which a former Minister adopted the
‘policy of letting the Brazilians into a participation of public offices,
‘but subsequent administrations have reverted to the ancient policy

‘of keeping the administration in the hands of native Portuguese. ‘There is a mixture of natives of the old appointments still remaining in office. If Spain should invade them on their southern extremities, these are so distant from the body of their settlements that they could not penetrate thence, and Spanish enterprise is not formidable. The *mines d’or* are among the mountains, inaccessible to any army, and Rio Janeiro is considered as the strongest port in the world, after Gibraltar. In case of a successful revolution, a republican Government in a single body would probably be established.”

I took care to impress on him, through the whole of our conversation, that I had neither instructions nor authority to say a word to any body on this subject, and that I could only give him my own ideas as a single individual, which were that we were not in a condition at present to meddle nationally in any war; that we wished particularly to cultivate the friendship of Portugal, with whom we have an advantageous commerce; that yet a successful revolution in Brazil could not be uninteresting to us; that prospects of lucre might possibly draw numbers of individuals to their aid, and purer motives our officers, among whom are many excellent; that our citizens being free to leave their own country individually without the consent of their Government, are equally free to go to any other.

A little before I received the first letter of the Brazilian, a gentleman informed me there was a Mexican in Paris who wished to have some conversation with me. He accordingly called on me. The substance of the information I drew from him was as follows: He is himself a native of Mexico, where his relations are principally. He left it about seventeen years of age, and seems now to be about thirty-three or thirty-four. He classes and characterizes the inhabitants of the country as follows: 1st. The natives of old Spain, possessed of most of the offices of Government, and firmly attached to it. 2d. The clergy, equally attached to the Government. 3d. The natives of Mexico, generally disposed to revolt, but without instruction, without energy, and much under the dominion of their Priests. 4th. The slaves, mulatto and black; the former enterprising and intelligent; the latter brave and of very important weight, into whatever scales they may throw themselves; but he thinks they will side with their masters. 5th. The conquered Indians, cowardly, not likely to take any side, nor important which.

6th. The free Indians, brave and formidable, should they interfere, but not likely to do so, as being at a great distance. I asked him the numbers of these several classes, but he could not give them. The first he thought very inconsiderable; that the second formed the body of the freemen; the third equal to the two first; the fourth to all the preceding; and as to the fifth, he could form no idea of their proportion. Indeed, it appeared to me that his conjectures as to the others were on loose grounds. He said he knew from good information there were three hundred thousand inhabitants in the city of Mexico. I was still more cautious with him than with the Brazilian, mentioning it as my private opinion, (unauthorized to say a word on the subject otherwise,) that a successful revolution was still at a distance with them; that I feared they must begin by enlightening and emancipating the minds of their people; that, as to us, if Spain should give us advantageous terms of commerce, and remove other difficulties, it was not probable that we should relinquish certain and present advantages, though smaller, to uncertain and future ones, however good. I was lead into this caution, by observing that this gentleman was intimate at the Spanish Ambassador's, and that he was then taken to Paris, employed by Spain to settle her boundaries with France on the Pyrenees. He has much the air of candor, but that can be borrowed, so that I was not able to decide about him in my own mind.

Led by a unity of subject, and a desire to give Congress as general a view of the dispositions of our southern countrymen as my information enables me, I will add an article which, old and insulated, I did not think important enough to mention at the time I received it. You will remember, sir, that during the late war, the British papers often gave details of a rebellion in Peru; the character of those papers discredited the information, but the truth was that the insurrections were so general that the event was long on the poise. Had Commodore Johnson, then expected on that coast, touched and landed there two thousand men, the dominion of Spain in that country was at an end; they only wanted a point of union, which this body would have constituted; not having this, they acted without concert, and were at length subdued separately. This conflagration was quenched in blood, two hundred thousand souls on both sides having perished, but the remaining matter is very capable of combustion. I have this information from a person who was on

the spot at the time, and whose good faith, understanding, and means of information, leave no doubt of the facts; he observed, however, that the numbers above supposed to have perished were on such conjectures only as he could collect.

I trouble Congress with these details, because, however distant we may be, both in condition and dispositions, from taking an active part in any commotions in that country, nature has placed it too near us to make its movements altogether indifferent to our interests or to our curiosity.

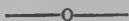
I hear of another *arrêt* of this Court, increasing the duties on foreign stock fish, and the premiums on their own, imported into their islands, but not having yet seen it, I can say nothing certain on it. I am in hopes the effect of this policy will be defeated by the practice which I am told takes place on the bank of Newfoundland, of putting our fish into the French fishing boats, and the parties sharing the premium, instead of ours paying the duty.

I am in hopes Mr. Short will be able to send you the medals of General Gates by this packet. I await a general instruction as to these medals. The academies of Europe will be much gratified to receive each a set.

I propose to set out the day after to-morrow for Bordeaux, (by the canal of Languedoc,) Nantes, L'Orient, and Paris.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, June 14, 1787.

Dear Sir,

Having got back to Paris three days ago, I resume immediately the correspondence with which you have been pleased to honor me. I wish I could have begun it with more agreeable information than that furnished me by M. Grand, that the funds of the United States here are exhausted, and himself considerably in advance; and by the Board of Treasury at New York, that they have no immediate prospect of furnishing supplies. We are thus left to shift for ourselves, without previous warning. As soon as they shall replenish

Mr. Grand's hands, I will give you notice, that you may recommence your usual drafts on him; unless the Board should provide a separate fund for you, dependant on yourself alone, which I strongly and repeatedly pressed on them, in order to remove the indecency of suffering your drafts to pass through any intermediate hand for payment.

My letters from America come down to the 24th of April. The disturbances in the eastern States were entirely settled. I do not learn that the Government had made any examples. Mr. Hancock's health being reëstablished, the want of which had occasioned him to resign the Government of Massachusetts, he has been reëlected, to the exclusion of Governor Bowdoin. New York still refuses to pass the impost in any form, and were she to pass it, Pennsylvania will not uncouple it from the supplementary funds. These two States, and Virginia, are the only ones, my letter says, which have paid any thing into the Continental Treasury for a twelve month past. I send you a copy of a circular letter from Congress to the several States, insisting on their removing all obstructions to the recovery of British debts. This was hurried, that it might be delivered to the Assembly of New York before they rose. It was delivered, but they did nothing in consequence of it. The Convention to be assembled at Philadelphia will be an able one. Ten States were known to have appointed delegates. Massachusetts was about to appoint; Connecticut was doubtful; and Rhode Island had refused. We are sure, however, of eleven States. South Carolina has prohibited the importation of slaves for three years; which is a step towards a perpetual prohibition. Between six and seven hundred thousand acres of land are actually surveyed into townships, and the sales are to begin immediately. They are not to be sold for less than a dollar the acre, in public certificates. I wrote you from Bordeaux, on the subject of Colonel Smith. I was sorry I missed him there, for other reasons as well as from a curiosity to know his errand. The Notables have laid the foundation for much good here; you have seen it detailed in the public papers. The Prince of Wales is likely to recover from his illness, which was very threatening. It is feared that three powers have combined to lift the Prince of Orange out of his difficulties. Have you yet the cypher of which I formerly wrote to you, or any copy of it?

I am, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 21, 1787.

Sir,

I had the honor of addressing you in a letter of May 4th, from Marseilles, which was to have gone by the last packet, but it arrived a few hours too late for that conveyance, and has been committed to a private one passing through England, with a promise that it should go through no post office.

I was desirous, while at the sea-ports, to obtain a list of the American vessels which have come to them since the peace, in order to estimate their comparative importance to us, as well as the general amount of our commerce with this country, so far as carried on in our own bottoms. At Marseilles I found there had been thirty-two since that period; at Cette, not a single one; at Bayonne, one of our free ports, only one. This last article I learnt from other information, not having visited that place, as it would have been a deviation from my route too considerable for the importance of the object. At Bordeaux, Nantes, and L'Orient I could not obtain lists in the moment, but am in hopes I shall be able to get them ere long. Though more important to us, they will probably be more imperfect than that of Marseilles. At Nantes I began with Mr. Dobrée an arrangement of his claims. I visited the military stores which have been detained there so long, opened some boxes of each kind, and found the state of their contents much better than had been represented. An exact list of the articles is to be sent me. In the meantime the following is near the truth: 24 cases of gun-locks; 6 cases of gun-barrels; 65 cases of old bayonets; locks and furniture of 3,100 fire-arms of various kinds, taken from the peasants of Bordeaux when they were deprived of the *droit de chasse*, and purchased by Mr. Deane—the above are broken, eaten up with rust, and worth nothing; 15,000 pieces of walnut for gun-stocks, very good; 30 cases of muskets from Holland, about 27 in each chest, say about 700 muskets with their bayonets, good of their form, but not of the best form, in such condition that they will need only such a cleaning as the soldier himself can give; 21 cases of sabres, from Holland, about 63 in each case, say about 1,300 in good condition; 18 hogsh-heads of gun-flints; 10 anchors, weighing in the whole about 21,500 lbs. But we must deduct about one fifth from the muskets and

sabres, because there are in the warehouses five tiers of cases, the bottom one of which having been partly under water during an inundation of the Loire, that whole tier may be considered as lost. Another deduction will be warehouse rent, 600 liv. a year from the year 1782. Still they remain an object of too much value to be abandoned, if they can be withdrawn by mutual consent, without any notice of their having been in the hands of justice. Mr. Dobrée appears to be so reasonable that I am in hopes this may be done. The importations into L'Orient of other fish oils besides those of the whale, brought to my notice there a defect in the letter of M. de Calonne of October 22, which letter was formerly communicated to you. In that *whale oil* only was named; the other fish oils, therefore, have continued to pay the old duties. In a conference with Mons. de Villedeuil, the present Comptroller General, since my return, I proposed the extending the exemption to all *fish oils*, according to the letter of the Hanseatic treaty, which had formed the basis of the regulations respecting us. I think this will be agreed to. The delays of office first, the illness of M. de Calonne, and lastly his removal, and the throng of business occasioned by the *Assemblée des Notables*, have prevented the reducing the substance of the letter into the form of an *arrêt* as yet, though I continued soliciting it as much as circumstances would bear. I am now promised that it shall be done immediately, and that it shall be so far retrospective as to the date of the letter as that all duties paid since that shall be refunded.

Though we are too little concerned in the proceedings of the *Assemblée des Notables* to render minute details of them desirable to Congress, yet I suppose a general view, now that the Assembly is closed and their measures fixed, may be acceptable.

The deficiency of the public revenues compared with the public expenses, was become so considerable that it was evident some of the wheels of Government must stop unless they could be relieved. Continual borrowings in time of profound peace could not be proposed, and a new tax, under the same circumstances, might crush the Minister, unless he could procure a powerful support. He proposed, therefore, the calling an *Assemblée des Notables*; he proffered them an universal redress of grievance, laid open those grievances fully, pointed out sound remedies; and covering his canvass with objects of this magnitude, the demand of money became a little accessory, scarcely attracting attention. The persons chosen were

the most able and independent characters in the kingdom, and their support, if it could be obtained, would be enough for him. They improved the occasion of redressing their grievances, and agreed that the public wants should be relieved, but went into an examination of the causes of them. It is supposed Monsieur de Calonne was conscious his accounts could not bear examination; and it is said and believed that he asked of the King to send four members to the Bastile, of whom the Marquis de la Fayette was one, to banish twenty others and two of his Ministers. The King found it shorter to banish him. His successor went on in full concert with the Assembly. The result has been an augmentation in the revenue, a promise of economies in its expenditure, of an annual settlement of the public accounts before a council, which the Comptroller, having been heretofore obliged to settle only with the King in person, of course never settled at all; of the abolition of the *Corvées*; reformation of the *Gabelles*; suppression of interior custom-houses; free commerce of grain, internal and external; and the establishment of Provincial Assemblies; which, altogether, constitute a vast mass of improvement in the condition of this nation. The establishment of Provincial Assemblies is a fundamental improvement. They will be of the choice of the people, one third renewed every year. In those provinces where there are no States, that is to say, over about three fourths of the kingdom, they will be partly an executive themselves, partly an executive council to the Intendant, to whom the executive power in his province has been heretofore entirely delegated. Chosen by the people, they will soften the execution of hard laws; and having a right of representation to King, they will censure bad laws, suggest good ones, expose abuses; and their representations, when united, will command respect. To the other advantages may be added the precedent itself of calling the Assembly of Notables, which may perhaps grow into habit. The hope is, that the improvements thus promised will be carried into effect, that they will be maintained during the present reign, and that will be long enough for them to take some root in the constitution, so as they may become to be considered a part of that, and be protected by time and the attachment of the nation. The new accession of the Ministry is valued here; good is hoped from the Archbishop of Thoulouse, who succeeds the Count de Vergennes as *Chef du Conseil de Finance*. M. de Villedeuil, the Comptroller General, has been approved by

the public in offices he has heretofore exercised. The Duke de Nivernois, called to the Council, is reckoned good, an able man, and M. de Malsherbes, called to the Council, is unquestionably the first character in the kingdom for integrity, patriotism, knowledge, and experience in business. There is a fear that the Mareschal de Castries is disposed to retire.

The face of things in Europe is a little turbid at present, but probably all will subside. The Empress of Russia, it is supposed, will not push her pretensions against the Turks to actual war, weighing the fondness of the Emperor for innovation against his want of perseverance. It is difficult to calculate what he will do with his discontented subjects in Brabant and Flanders. If these provinces alone were concerned, he would probably give back; but this would induce an opposition to his plans in all his other dominions. Perhaps he may be able to find a compromise. The cause of the patriots in Holland is a little clouded at present. England and Prussia seem disposed to interpose effectually. The former has actually ordered a fleet of six sail of the line northwardly under Gore, and the latter threatens to put his troops into motion. The danger of losing such a weight in their scale as that of Prussia would occasion this Court to prefer conciliation to war; add to this the distress of their finances, and perhaps not so warm a zeal in the new Ministry for the innovations of Holland. I hardly believe they will think it worth while to purchase the change of constitution proposed there at the expense of a war. But of these things you will receive more particular and more certain details from Mr. Dumas, to whom they belong.

Mr. Eden is appointed Ambassador from England to Madrid. To the hatred borne us by his Court and country, is added a recollection of the circumstances of the unsuccessful embassy to America, of which he made a part; so that I think he will carry to Madrid dispositions to do us all the ill he can.

The late change in the Ministry is very favorable to the prospects of the Chevalier de la Luzerne; the Count de Montmorin, Monsieur de Malsherbes, and Monsieur de Lamoignon, the *Garde des Sceaux*, are his near relations. Probably something will be done for him without delay. The promise of the former administration to the Count de Moustier to succeed to his vacancy, should it take place, will probably be performed by the present one.

Mr. Barclay has probably informed you of his having been arrested in Bordeaux, for a debt contracted in the way of his commerce. He immediately applied to the Parliament of that place, who ordered his discharge. This took place after five days' actual imprisonment. I arrived at Bordeaux a few days after his liberation. As the Procureur General of the King had interested himself to obtain it with uncommon zeal, and that too on public principles, I thought it my duty to wait on him, and return him my thanks. I did the same to the President of the Parliament, for the body over which he presided. What would have been an insult in America being an indispensable duty here. You will see by the enclosed printed paper on what ground the Procureur insisted on Mr. Barclay's liberation; those on which the Parliament ordered it are not expressed. On my arrival here I spoke with the Minister on the subject. He observed that the character of Consul is no protection in this country against process for debt; that, as to the character with which Mr. Barclay had been invested at the Court of Morocco, it was questionable whether it could be placed on the diplomatic line, as it had not been derived immediately from Congress; that, if it were, it would have covered him to Paris only, where he had received his commission, had he proceeded directly thither; but that his long stay at Bordeaux must be considered as terminating it there. I observed to him that Mr. Barclay had been arrested almost immediately on his arrival at Bordeaux; but he says that arrest was made void by the Parliament, and still he has continued there several weeks. True, I replied, but his adversaries declared they would arrest him again the moment he should be out of the jurisdiction of the Parliament of Bordeaux, and have actually engaged the *Marechaussée* on the road to do it. This seemed to impress him; he said he could obtain a letter of *sauf conduit*, which would protect him to Paris, but that immediately on his arrival here he would be liable to arrest. I asked him if such a letter could not be obtained to protect him to Paris and back to Bordeaux, and even to America? He said, that for that the consent of the greater part of his creditors would be necessary, and even with this it was very doubtful whether it could be obtained. Still, if I would furnish him with that consent, he would do what should depend on him. I am persuaded he will, and have written to Mr. Barclay to obtain the consent of his creditors. This is the footing on which this matter

stands at present. I have stated it thus particularly that you may know the truth, which will probably be misrepresented in the English papers to the prejudice of Mr. Barclay. This matter has been a great affliction to him, but no dishonor, where its true state is known. Indeed, he is incapable of doing anything not strictly honorable.

In a letter of August 30th, 1785, I had the honor of mentioning to you what had passed here on the subject of a convention for the regulation of the two post offices. I now enclose you a letter from the Baron Digny, who is at the head of that department, which shows that he still expects some arrangements. I have heard it said that M. de Crevecoeur is authorized to treat on this subject. You doubtless know if this be true. The articles may certainly be better adjusted there than here. This letter from the Baron Digny was in consequence of an application from a servant of mine, during my absence, which would not have been made had I been here; nor will it be repeated, it being my opinion and practice to pay small sums of money rather than to ask favors.

I have the honor to enclose you, also, copies of a letter and papers from the M. de Castries, on the claim of an individual against the State of South Carolina, for services performed on board the Indian; and the petition of another on a like claim; also, copies of letters received from O'Bryen, at Algiers, and from Mr. Lamb. A letter of the 26th of May, from Mr. Montgomery, at Alicant, informs me that by a vessel arrived at Carthagenia from Algiers, they learn the death of the Dey of that Republic; yet, as we hear nothing of it through any other channel, it may be doubted. It escaped me at the time of my departure to Aix to make arrangements for sending you the gazettes regularly by the packets. The whole are now sent, though a great part of them are so old as not to be worth perusal. Your favor of April 24th has been duly received.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM JOHN LAMB TO THOMAS JEFFERSON.

Alicant Bay, May 20, 1787.

I received your Excellency's letter concerning the cypher. The vessel that I am in here is bound to America, and does not take *pratique*; and all papers are so defaced with vinegar that it will

be impossible to get the cypher sound to hands where it is ordered ; therefore I must deliver the same to Congress, who can dispose of it at their pleasure. I am unhappy it is so circumstanced. I hope by this time that your Excellency is fully persuaded of the villany of that man D'Espilly, whom I have often warned you of before this. His letters have been too freely handed to your Excellency, and to Congress likewise, for the benefit of our peace at Algiers. I most heartily hope Congress will not be led to thank a man who was turned out of Algiers for the most atrocious crimes, and some say confined at present, and of which I doubt not the truth. If your Excellency can come at the truth from Madrid, I am of opinion that you will think as I do on the subject. I add that we have not had a worse enemy than the abovementioned D'Espilly. How far he deceived Mr. Carmichael, whilst he was holding him up to our public view, I cannot pretend to say ; but Mr. Carmichael was not deceived in the man. He had a desire to baffle my efforts, whilst on my late mission, to make room for a more favorable plan. I can give your Excellency no news at present, but that the number of our wretched people in Algiers is reduced by the plague. Unhappy men, indeed ! I have had a very disagreeable winter, but am something recruited. I hope to be at Congress by the beginning of August next. I am exceedingly sorry that Mr. Barclay missed me. He writes me that he had authority to settle my accounts.

I am, &c.,

JOHN LAMB.

—o—

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, September 8, 1787

Dear Sir,

I had flattered myself that Chevalier Jones would have been prepared to go in the French packet, which is to sail the day after to-morrow ; but certain circumstances make it necessary for him to postpone his departure to some future opportunity. It seems also that Mr. Jarvis, who had given me notice of his intention of taking his passage in the packet, finds it convenient to remain here until the first of next month.

On the 27th July last I had the honor of writing you that further despatches on subjects touched in your letters would be transmitted, and I flatter myself that the reasons which have hitherto delayed

them will soon cease. Your letters of the 4th May and 21st June have since arrived, and been communicated to the President of Congress. Since their arrival a quorum of the States has not been represented, so that as yet they have not been laid before Congress, and consequently have not given occasion to any acts or instructions. I read them with pleasure, for in my opinion they do honor to the writer.

You will find, herewith enclosed, an act of Congress of the 27th July, containing the instructions you requested respecting the medals; and also a copy of a letter from me to the President of Congress, covering one I had received from the Governor of Rhode Island respecting the seizure and condemnation of a vessel of that State at Tobago. These papers speak for themselves, and therefore do not require explanation or comments. The enclosed letter for Mr. Pauly is from General Varnum on that subject.

The convention will probably rise next week, and their proceedings will probably cause, not only much consideration, but also much discussion, debate, and perhaps heat; for as *docti indoctique scribimus* so *docti indoctique*, disinterested patriots and interested politicians will sit in council and in judgment, both within and without doors. There is, nevertheless, a degree of intelligence and information in the mass of our people, which affords much room for hope that by degrees our affairs will assume a more consistent and pleasing aspect. For my own part I have long found myself in an awkward situation, seeing much to be done, and enabled to do very little. All we can do is to persevere. If good results our labor will not be in vain; if not, we shall have done our duty, and that reflection is valuable.

With the best wishes for your health and happiness, and with very sincere esteem and regard, I am, with great respect, &c.,

JOHN JAY.

Report of John Jay to Congress.

Office for Foreign Affairs, October 12, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of 21st June last from Mr. Jefferson, respecting the arrest of the American Consul in France, the proposed Post Office convention, and the claims of certain individuals against South Carolina, reports:

That his report of the 26th September last on the petition of Messrs. French and Nephew, at whose suit the Consul was arrested, expresses the opinion of your Secretary on the legality of that arrest; and he still thinks that no Consuls should be exempt from suits and arrests for their own proper debts.

But as the arrest and imprisonment of an American Consul General is a circumstance which must hurt the feelings of the United States, and in some degree wound their dignity, it may be proper to inquire what measures it would be proper to take on this occasion.

He thinks it would be advisable to pass the resolution recommended in the abovementioned reports, declaring that all American Consuls in foreign parts, and all foreign Consuls here are liable to arrests, &c.

That your Secretary should, in an informal manner, intimate to the Consul General in question that his arrest and imprisonment have given Congress much concern, both on his account and that of the United States. That they wish he would endeavor so to settle with his creditors, as that he may return to France early in the spring without any risk of the like treatment in future. That, although his character and services will always induce Congress to regret every circumstance that may hurt either his feelings or his fortune, yet that the respect due to the dignity of the United States has also strong claims to their attention and care.

Your Secretary thinks it is his duty to inform Congress that, as well from the opinion of Mr. Jefferson as from other circumstances, he has reason to believe that the conduct of the Consul respecting his creditors, has not merited the harsh treatment he has received from them.

As to the proposed Post Office convention, your Secretary refers to his reports of the 21st of February and 29th March, 1786, which are now before Congress.

As to the claims of certain individuals against the State of South Carolina, your Secretary thinks that an extract from Mr. Jefferson's letter on that subject, together with copies of the papers which he enclosed relative to it, should be transmitted to the State of South Carolina, in order that such measures may thereupon be taken as the good faith of that State, and the justice due to the individuals in question may appear to dictate.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, July 1, 1787.

Sir,

I returned about three weeks ago from a very useless voyage; useless, I mean, as to the object which first suggested it, that of trying the effect of the mineral waters of Aix, in Provence, on my hand. I tried these, because recommended among six or eight others as equally beneficial, and because they would place me at the beginning of a tour to the sea-ports of Marseilles, Bordeaux, Nantes, and L'Orient, which I had long meditated, in hopes that a knowledge of the places and persons concerned in our commerce, and the information to be got from them might enable me sometimes to be useful. I had expected to satisfy myself at Marseilles of the causes of the difference of quality between the rice of Carolina and that of Piedmont, which is brought in quantities to Marseilles. Not being able to do it, I made an excursion of three weeks into the rice country beyond the Alps, going through it from Urcelli to Pavia, about sixteen miles. I found the difference to be, not in the management, as had been supposed both here and in Carolina, but in the species of rice; and I hope to enable them, in Carolina, to begin the cultivation of the Piedmont rice, and carry it on, hand in hand, with their own, that they may supply both qualities, which is absolutely necessary at this market. I had before endeavored to lead the depot of rice from Cowes to Honfleur, and hope to get it received there on such terms as may draw that branch of commerce from England to this country. It is an object of two hundred and fifty thousand guineas a year. While passing through the towns of Turin, Milan, and Genoa, I satisfied myself of the practicability of introducing our whale oil for their consumption, and suppose it would be equally so in the other great cities of that country. I was sorry that I was not authorized to set the matter on foot. The merchants with whom I chose to ask conferences met me freely, and communicated fully, knowing I was in a public character. I could, however, only prepare a disposition to meet our oil merchants. On the article of tobacco, I was more in possession of my ground; and put matters into a train for inducing their Government to draw their tobaccoes directly from the United States, and not, as heretofore, from Great Britain. I am now occupied with the new Ministry here, to put the concluding hand to the new regulations for our commerce with this

country, announced in the letter of Monsieur de Calonne, which I sent you last fall. I am in hopes, in addition to those, to obtain a suppression of the duties on tar, pitch, and turpentine, and an extension of the privileges of American *whale* oil, to their *fish* oils in general. I find that the quantity of cod fish oil brought to L'Orient is considerable. This being got off hand, (which will be in a few days,) the chicaneries and vexations of the farmers on the article of tobacco, and their elusions of the order of Bernis, called for the next attention. I have reasons to hope good dispositions in the new Ministry towards our commerce with this country. Besides endeavoring, on all occasions, to multiply the points of contact and connexion with this country, which I consider as our surest mainstay under every event, I have had it much at heart to remove from between us every subject of misunderstanding or irritation. Our debts to the King, to the officers, and the farmers, are of this description. The having complied with no part of our engagements in these, draws on us a great deal of censure, and occasioned a language in the *Assemblée des Notables* very likely to produce dissatisfaction between us. Dumas being on the spot in Holland, I had asked of him some time ago, in confidence, his opinion of the practicability of transferring these debts from France to Holland, and communicated his answer to Congress, pressing them to get you to go over to Holland, and try to effect this business. Your knowledge of the ground and former successes occasioned me to take the liberty without consulting you, because I was sure you would not weigh your personal trouble against public good. I have had no answer from Congress; but hearing of your journey to Holland, have hoped that some money operation had led you there. If it related to the debts of this country, I would ask a communication of what you think yourself at liberty to communicate, as it might change the form of my answers to the eternal applications I receive. The debt to the officers of France carries an interest of about two thousand guineas, so we may suppose its principal is between thirty and forty thousand. This makes more noise against us than all our other debts put together.

I send you the *arrêts* which begin the reformation here, and some other publications respecting America, together with copies of letters received from O'Bryen and Lamb. It is believed that a naval armament has been ordered at Brest, in correspondence with that of

England. We know certainly that orders are given to form a camp in the neighborhood of Brabant, and that Count Rochambeau has the command of it. Its amount I cannot assert; report says fifteen thousand men. This will derange the plans of economy.

I take the liberty of putting under your cover a letter from Mrs. Kinloch, of South Carolina, with a packet, and will trouble you to inquire for her, and have them delivered. The packet is of great consequence, and therefore referred to her care, as she will know the safe opportunities of conveying it. Should you not be able to find her, and can forward the packet to its address by any safe conveyance, I will beg you to do it.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO THOMAS BARCLAY.

Paris, August 3, 1787.

Sir,

I am now to acknowledge the receipt of your several favors of June the 29th and July the 6th and 8th.

I am of opinion that the affair of Grand and Roland, in Holland, had better be committed to M. Dumas, in Holland, as lawsuits must always be attended to by some person on the spot. For the same reason I think that of La Vayse and Puchelberg should be managed by the agent at L'Orient, and Gruel's by the agent at Nantes. I shall always be ready to assist the agents at L'Orient and Nantes, in any way in my power; but were the details to be left to me, they would languish necessarily, on account of my distance from the place, and perhaps suffer, too, for want of verbal consultations with the lawyers entrusted with them. You are now with Congress; and can take their orders on the subject. I shall, therefore, do nothing in these matters, in reliance that you will put them in such channel as they direct, furnishing the necessary documents and explanations.

* * * * *

With respect to French's affair, being perfectly satisfied myself, I have not ceased, nor shall I cease, endeavoring to satisfy others that your conduct has been that of an honest and honorable debtor, and theirs the counterpart of Shylock in the play. I enclose you a

letter, containing my testimony on your general conduct, which I have written to relieve a debt of justice pressing on my mind, well knowing, at the same time, you will not stand in need of it in America. Your conduct is too well known to Congress, your character to all the world, to need any testimonials.

The moment I close my despatches for the packet, which will be the 9th instant, I shall, with great pleasure, go to pay my respects to Mrs. Barclay, at St. Germain's, to satisfy her on the subject of your transactions, and to assure her that my resources shall be hers as long as I have any. A multitude of letters to write prevents my entering into the field of public news, further than to observe that it is extremely doubtful whether the affairs of Holland will or will not produce a war between France on the one side, and England and Prussia on the other.

I beg you to accept assurances of the sincere esteem and respect, with which I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 6, 1787.

Sir,

The last letter I had the honor of addressing you was dated June 21st. I have now that of enclosing you a letter from the Swedish Ambassador, praying that inquiry may be made for a vessel of his nation piratically carried off, and measures taken relative to the vessel, cargo, and crew; also, a letter from William Russell and others, citizens of America, concerned in trade to the Island of Guadaloupe, addressed to the Mareschal de Castries, and complaining of the shutting to them the port of Point-a-Petre, and receiving them only at Basse-terre. This was enclosed to me by the subscribers, to be delivered to the Mareschal de Castries, but the present is not the moment to move in that business, and, moreover, I suppose that wherever parties are within the reach of Congress, they should apply to them, and my instructions come through that channel. Matters arising within the kingdom of France, to which my commission is limited, and not admitting time to take the orders of Congress, I suppose I may move in originally. I also enclose you a copy of a letter from Mr. Barclay, enclosing his proceedings in

our affairs with Morocco. Before this reaches you, he will have had the honor of presenting himself to you in person. After his departure, the Parliament of Bordeaux decided that he was liable to arrest. This was done on a letter from the Minister, informing them that Mr. Barclay was vested with no character which privileged him from arrest. His constant character of Consul was no protection, and they did not explain whether his character to Morocco was not originally diplomatic or had expired. Mr. Barclay's proceedings under this commission being now closed, it would be incumbent on me to declare with respect to them, as well as his consular transactions, my opinion of the judgment, zeal, and disinterestedness with which he has conducted himself; were it not that Congress has been so possessed of those transactions from time to time as to judge for themselves. I cannot but be uneasy lest my delay of entering on the subject of the Consular convention may be disapproved. My hope was and is that more practicable terms might be obtained. In this hope I do nothing till further orders, observing by an extract from the journals you were pleased to send me that Congress have referred the matter to your consideration, and conscious that we are not suffering in the meantime, as we have not a single Consul in France since the departure of Mr. Barclay. I mentioned to you in my last the revival of the hopes of the Chevalier de la Luzerne. I thought it my duty to remind the Count de Montmorin the other day of the long absence of their Minister from Congress. He told me the Chevalier de la Luzerne would not be sent back, but that we might rely that in the month of October a person would be sent, with whom we should be content. He did not name the person, though there is no doubt that it is the Count de Moustier. It is an appointment which, according to the opinion I have formed of him, bids as fair to give content as any one which could be made.

I also mentioned in my last letter that I had proposed the reducing the substance of M. de Calonne's letter into the form of an *arrêt* with some alterations, which on consultation with the merchants at the different ports I visited, I had found to be necessary. I received soon after a letter from the Comptroller General, informing me that the letter of Monsieur de Calonne was in a course of execution. Of this I enclose you a copy. I was in that moment enclosing to him my general observations on that letter, a copy of which is also

enclosed; in this I stated all the alterations I wished to have made. It became expedient soon after to bring on the article of tobacco, first to know whether the Farmers had executed the orders of Bernis, and also to prepare some arrangements to succeed the expiration of this order, so that I am now pursuing the whole subject of our commerce.

1st. To have necessary amendments made in M. de Calonne's letter.

2d. To put it into a more stable form.

3d. To have full execution of the order of Bernis.

4th. To provide arrangements for the article of tobacco after that order shall be expired.

By the copy of my letter on the two last points, you will perceive that I again press the attention of the farm of this article; the conferences on that subject give no hope of effecting that. Some poor palliative is probably all we shall obtain. The Marquis de la Fayette goes hand in hand with me in all these transactions, and is an invaluable auxiliary to me. I hope it will not be imputed either to partiality or affectation my naming this gentleman so often in my despatches. Were I not to do it, it would be a suppression of truth, and as taking to myself the whole merit where he has the greatest share.

The Emperor, on his return to Vienna, discovered the concessions of his Governors General to his subjects of Brabant. He, at the same time, proposed their sending deputies to him to consult on their affairs. They refused in the first moment, but afterwards nominated deputies without giving them any power, however, to concede anything. In the meantime they are arming and training themselves. Probably the Emperor will avail himself of the aid of these deputies to tread back his steps. He will be the more prompt to do this that he may be in readiness to act freely if he finds occasion, in the new scenes preparing in Holland. What these will be cannot be foreseen. You well know that the original party divisions of that country were into Stadtholderians, Aristocrats, and Democrats. There was a subdivision of the Aristocrats into violent and moderate, which was important. The violent Aristocrats would have wished to preserve all the powers of government in the hands of the Regents, and that these should remain self-elective, but choosing to receive a modification of these powers from the Stadtholder rather than from the people,

they threw themselves into his scale. The moderate Aristocrats would have consented to a temperate mixture of Democracy, and particularly that the Regents should be elected by the people. They were the declared enemies of the Stadtholder, and acted in concert with the Democrats, forming with them what were called the Patriots. It is the opinion of dispassionate people on the spot, that their views might have been effected, but the Democratic party aimed at more. They talked of establishing tribunes of the people, of annual accounts, of depriving the magistrates at the will of the people, &c., of enforcing all this with the arms in the hands of the *corps francs*, and in some places, as at Heusden, Sprang, &c., began the execution of these projects. The moderate Aristocrats found it difficult to strain their principles to this pitch. A schism took place between them and the Democrats, and the former have for some time been dropping off from the latter into the scale of the Stadtholder. This is the fatal coalition which governs without obstacle in Zealand Friesland and Guelderland, which constitutes the States of Utrecht and Amersfort, and, with their aid, the plurality in the States General. The States of Holland, Groningen, and Overijssel vote, as yet, in the opposition; but the coalition gains ground in the States of Holland, and has been prevalent in the Council of Amsterdam. If its progress be not stopped by a little moderation in the Democrats, it will turn the scale decidedly in favor of the Stadtholder, in the event of their being left to themselves, without foreign interference. If foreign Powers interfere, their prospect does not brighten. I see no sure friends to the Patriots but France; while Prussia and England are their assured enemies. Nor is it probable that characters so greedy, so enterprising, as the Emperor and Empress, will be idle during such a struggle. Their views have long shown which side they would take. That France has engaged to interfere and support the patriots, is beyond doubt. This engagement was entered into during the life of the late King of Prussia, whose eye was principally directed on the Emperor, and whose disposition towards the Prince of Orange would have permitted him to be clipped a little close; but the present King comes in with warmer dispositions towards the Princess, his sister. He has shewn decidedly that he will support her, even to the destruction of the balance of Europe, and the disturbance of its peace. The King of England has equally

decided to support that House, at the risk of plunging his nation into another war. He supplies the Prince with money. At this moment a particular remittance of one hundred and twenty thousand guineas is known of; but his Ministry is divided. Pitt is against the King's opinion; the Duke of Richmond and the rest of the Ministers for it, or at least such is the belief here. Mr. Adams will have informed you more certainly. This division in the English Ministry, with the ill condition of their finances for the war, produce a disposition, even in the King, to try first every pacific measure. And that country and this were laboring jointly to stop the course of hostilities in Holland, to endeavor to effect an accommodation, and were scarcely executing at all the armaments ordered in their ports, when all of a sudden, an inflammatory letter, written by the Princess of Orange to the King of Prussia, induces him, without consulting England, without consulting even his own council, to issue orders by himself, to his Generals, to march twenty thousand men to revenge the insult supposed to be offered to his sister. With a pride and egotism planted in the heart of every King, he considers her being stopped in the road as a sufficient cause to sacrifice a hundred or two thousand of his own subjects, and as many of his enemies, and to spread fire, sword, and desolation over the half of Europe. This hasty measure has embarrassed England, undesirous of war, if it can be avoided, yet unwilling to separate from the Power who is to render its success probable. Still you may be assured that that Court is going on in concurrence with this, to prevent extremities if possible, always understood that if the war cannot be prevented, they will enter into it as parties, and in opposition to one another. This event is, in my opinion, to be deprecated by the friends of France. She never was equal to such a war by land, and such a one by sea; and less so now than in any moment of the present reign. You remember that the nation was in a delirium of joy on the convocation of the Notables, and on the various reformations agreed on between them and the Government. The picture of the distress of their finances was, indeed, frightful; but the intentions to reduce them to order seemed serious. The constitutional reformations have gone on well, but those of expenses make little progress. Some of the most obviously useless have, indeed, been lopped off; but the remainder is a heavy mass, difficult to be reduced. Despair

has seized every mind, and they have passed from an extreme of joy to one of discontent. The Parliament, therefore, oppose the registering any new tax, and insist on an assembly of the States General.

The object of this is to limit the expenses and dictate a constitution. The edict for the stamp tax has been the subject of reiterated orders and refusals to register; at length the King has summoned the Parliament to Versailles, to hold a bed of justice, in which he will order them in person to register the edict. At the moment of my writing they are gone to Versailles for this purpose. There will yet remain to them to protest against the register as forced, and to issue orders against its execution on pain of death; but as the King would have no peaceable opposition left, it remains to be seen whether they will push the matter to this extremity. It is evident, I think, that the spirit of this country is advancing towards a revolution in their constitution. There are not wanting persons at the helm, friends to the progress of this spirit. The Provincial Assemblies will be the most probable instrument of effecting it. Since writing thus far I have received an intimation that it will be agreeable not to press our commercial regulations at this moment, the Ministry being too much occupied with the difficulties surrounding them to spare a moment on any subject which will admit of delay. Our business must, therefore, be suspended for a while; to press it out of season would be to defeat it. It would be felt as a vital benefit here could we relieve their finances by paying what we owe. Congress will judge by Mr. Adams's letters how far the transferring all our debts in this country to Holland is practicable, or the replenishing their treasury with our principal and interest. I should not be afraid to ask concessions in favor of our West India trade; it would produce a great change of opinion as to us and our affairs. In the *Assemblée des Notables* hard things were said of us; they were induced, however, in committing us to writing, to smother their ideas a little. In their votes, now gone to be printed, our debt is described in these words: "The twenty-first article in the account of receipts, consisting of the interest of the debt due to his Majesty from the United States, cannot be taken into consideration, except it is for the sake of reference. Although that debt seems to be well secured, it may, nevertheless, be a great while before it can be collected, principal as well as interest; and it cannot, consequently, enter into the

‘calculation of the current annual receipts. That article amounts to ‘1,600,000 livres.’ Above all things it is desirable to hush the foreign officers by payment; their wants, the nature of their services, their access to high characters and connexions with them, bespeak the reasons for this. I hear, also, that Mr. Beaumarchais means to make himself heard, if a memorial, which he sends by an agent in the present packet, is not attended to, as he thinks it ought to be. He called on me with it, and desired me to recommend his case to a decision, and to note in my despatch that it was the first time he had spoken to me on the subject. This is true, it being the first time I ever saw him; but my recommendations would be as misplaced as unnecessary. I assured him Congress would do in that business what justice should require and their means enable them to. The information sent me by Mr. Montgomery from Alicant of the death of the Dey of Algiers, was not true. I had expressed my doubt of it in my last, when I communicated it. I send herewith the newspapers to this date, and a remonstrance of the Parliament, to shew you in what language the King can be addressed at this day. I have received no Journals of Congress since the beginning of November last, and will thank you for them, if printed.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. August 7th. The Parliament were received yesterday very harshly by the King. He obliged them to register the two edicts for the *impôt territorial* and the stamp tax. When speaking in my letter of the reiterated orders and refusals to register which passed between the King and Parliament, I omitted to insert the King’s answer to a deputation of Parliament which attended him at Versailles. It may serve to shew the spirit which exists between them. It was in these words, and these only: “*Je vous ferai savoir mes intentions, allez vous en, qu’on ferme la porte.*”

FROM BARON DE STAEL HOLSTEIN TO THOMAS JEFFERSON.

Paris, August 3, 1787.

Sir,

Allow me to have the honor of claiming your kind offices near the United States in a circumstance in which the safety of commerce is compromised.

Mr. Adolph Frederick Dahlberg, Captain of the Swedish galeasse *Marie Elizabeth*, belonging to Baron de Roxendorft, went to sea on an expedition on account of the owner of that ship. A long time has elapsed since, and not the least news has been received from that captain, who it seems has formed the conspiracy of taking possession of the vessel and its cargo and going off to remote seas, according to the informations which have been procured, and of the declarations furnished to the Admiralty.

The Chamber of Commerce of Stockholm having strong reasons to presume that Captain Dahlberg has gone to some port in the United States, has applied to me for the purpose of obtaining means in order to take possession of his person.

I have the honor to annex hereto the description of the said captain, and also of the galeasse, such as they have been transmitted to me.

I hope, sir, that you will find in the safety of commerce and of navigation motives sufficiently strong to send these papers to the United States, and to support the claim of the Chamber of Commerce, which requires that orders should be given that Captain Dahlberg and his accomplices should be arrested, in whatever port of the United States they may be found, and at whatever time they may be discovered, and that from thence they should be sent as prisoners on board the said ship to the Governor of the Island of St. Bartholomew, belonging to his Majesty the King of Sweden.

I shall wait your answer, and will communicate it to the Chamber of Commerce of Stockholm. I take this opportunity to offer you the assurance of the perfect consideration with which I have the honor to be, &c.,

BARON DE STAEL HOLSTEIN.

Description of the Captain.

Captain Adolph Frederick Dahlberg was born in the city of Calmar, in Sweden; he is of a middling stature, rather small than large; his person short and thick; he has black eyes, dark complexion, and black hair.

Description of the Swedish ship or galeasse Marie Elizabeth.

The ship is built of oak and pine, twenty-two lasts, or about forty-four English tons burthen, built and rigged as a galeasse, or hocre galeasse. When she left Calmar she had streaks painted black all around the ship; there was a small figure of a woman painted on the stern, and under that figure was written the name of the ship, *Marie Elizabeth*; and there was a break which contracted a little the dimensions of the hold.

The owner of the ship is Baron de Roxendorft.

MEMORIAL.

To the Mareschal de Castries, Minister and Secretary of State for the Department of the Navy.

The owners and captains of several ships belonging to the United States of America, allies of his most Christian Majesty, and actually moored in the road of Point-a-Petre, humbly petition, saying that there has been communicated to them a decree of the King, ordering that the port of Point-a-Petre should be shut to them, and that the road of Basse-terre is exclusively open to receive them.

The petitioners take the liberty to represent in the most humble manner to your Excellency, that such a revolution in the American commerce of these parts will be a fatal one to the continent, as well as to the colony of Guadaloupe, and that the Americans will be obliged to compare it to almost a total prohibition.

Being entirely convinced of the ardent desire of your Excellency to encourage the commerce of the colonies confided to your Ministry, and being assured of the benevolence which characterizes your actions, the petitioners (in hopes of obtaining their request) take the liberty of addressing themselves to you, in order that you should place before his most Christian Majesty the inconveniences without numbers which the execution of his order will occasion. The dangers to which their ships will be exposed in the road of Basse-terre during the hurricane months—a continual swell of the sea; unavoidable delays in the expeditions; their boats dashed to pieces on their debarking, as well as embarking; a great many expenses to

which their commercial operations will be subjected by the situation of that road, and which the little value of their cargoes will be unable to pay,—all this is only a feeble sketch of their situation. As the sale of their cargoes cannot be as advantageous at Basse-terre as it is at Point-a-Petre, a lesser number of ships will go there, and their return cargoes, consisting in rum and syrup, which are more abundant at the Grande-terre and its neighborhood, the petitioners would have the great advantage of transporting, in one day and in their own boats, the necessary articles for those cargoes. Instead of this they will be compelled to freight vessels for the transportation of their cargoes to Basse-terre. By this expensive manner of loading, their profits are considerably diminished, and they see themselves subjected still to a certain loss by the leakage of the rum and syrup during their transportation to Basse-terre.

The situation of Point-a-Petre offers them great advantages—the navigation of the Salt river, the beautiful surrounding sea, the facility with which they transport their goods amongst the planters, and the exactness of the payments. The inhabitants by that means receive the necessary articles at a lower price. Should they be compelled to go to Basse-terre for the purpose of purchasing them, and at the same time be compelled to transport there their produce in payment, their rum and syrup will be lessened in value, and the goods purchased will increase in price for the planter, whilst, at the same time, the freight and other expenses of transportation will enhance the price of the produce to the petitioners.

They address themselves to the humanity and to the benevolence of your Excellency, entreating you to represent to his Majesty the grievous and embarrassing situation in which they find themselves. The interest of the planters being intimately connected with theirs, they hope that his Majesty will, on your representation, deliver them from that unfortunate position; that he will condescend to annul his decree; and that he will order that the commerce of the United States of America shall be carried as heretofore with the port of Point-a-Petre only. The petitioners flatter themselves that you will receive favorably their supplications.

Your mediation in a cause so especially connected with the industry and prosperity of the petitioners, as well as that of the colony of Guadaloupe, will make them forever grateful, and their prayers for the prosperity of your Highness shall be addressed to

Heaven with fervor. It is the only proof they can give of the respect and of the veneration they have for you.

Point-a-Petre, Island of Guadaloupe, May 3, 1787.

(Signed) Joseph Sevein, Daniel Wookey, James Jones, Nathaniel Saunders, William Wyles, Nicholas Stilwell, Isaac Tubbs, John Marshall, Thomas Webb, Jonathan Mason, John Peabody, Paul Vast, Peter Le Breton, Forten Moore, William Russell, Nathaniel Witmore, Phoenix Frazier, Joseph Wells, Benjamin Shillaber, Richard Tappan.

FROM THOMAS BARCLAY TO JOHN ADAMS AND THOMAS JEFFERSON.

L'Orient, July 13, 1787.

Gentlemen,

I do myself the honor to enclose you two books, of eighty-two pages, containing all my accounts respecting my mission to Morocco; by which you will see that the amount of the expenses attending the negotiation, including the presents and all the travelling charges of Mr. Franks and myself, amount to 95,179 *liv.* 10 *sols*, which sum I shall place to the debit of the United States. The particulars of the purchases made, and of the appropriation of all the presents, together with an account of the articles remaining on hand, make a part of these accounts; and I do not know that anything whatever is left unexplained, when I have told you that my reasons for leaving the lawns and cambrics in the hands of Mr. Champion, of this place, for sale, was because the Farmers General would not permit me to carry them out of the town by land. Mr. Champion died suddenly, in April last, and at present nothing is done, or can be done, in his affairs, which are all sealed up by the judges, and are likely to remain so some time. I shall direct the account of the goods to be lodged in the hands of Mr. Loreilhe here, in order that he may claim them.

I annex an account of bills drawn on Mr. Adams, amounting to £4,645 sterling, £100 of which, in favor of M. Grand, he writes to me was never sent forward for acceptance; in which case I have promised to account with him for it, and then the amount will be £4,545 sterling, which, supposing the exchange to be on an average 24 *liv.* the pound sterling, clear of negotiating fees in Paris, the sum

will be, in livres, 109,080; so that upon this account I shall remain indebted to the United States (until I make a settlement with them, and until I know what I am to charge for my voyage) 13,901 *liv.* 10 *sols.* I have also some suspicion that I must have drawn a bill not included in this account; but I am not certain, as most of my papers are at St. Germain. Mr. Adams will be so kind as to procure from the banker who paid the drafts an account of the particulars, and transmit it to me under cover to Mr. Jay, at New York, assuring himself that a final settlement shall be made to the entire satisfaction of Congress, and that of you, gentlemen.

The necessity I am under of hastening out to America should not have prevented my waiting on Mr. Adams in London for his commands, had not Mr. Jefferson given me a full dispensation on that head, and, therefore, I know Mr. Adams will excuse me.

Before I take leave, permit me to thank you both for the many marks of esteem and attention with which you have honored me, and to request most earnestly a continuance of that regard, which I sincerely assure you is very precious to, gentlemen, your most, &c.,

THOS. BARCLAY.

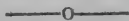
P. S. The precise exchange of the bills cannot be adjusted until I receive M. Grand's accounts.

<i>Favor.</i>				<i>From.</i>
1785, Sept. 27, No. 1, M. Grand	120	}	Paris.	
" " 28, " 2, M. Darcel	100			
" " " 3, M. Grand	100			
" Oct. 22, " 4, do.	200			
" Nov. 3, " 5, do.	100			
" " " 6, do.	100			
" " " 7, do.	100			
" " 23, " 8, do.	200			
" Dec. 1, " 9, M. Darcel	200			
" " 2, " 10, do.	200			
" " 7, " 11, M. Grand	100			
" " " 12, do.	200			
1786, Jan. 15, " 13, do.	200			
" " 16, " 14, do.	200			
" Feb. 24, A do.	100		Bayonne.	
" April 15, " Druilhet & Co.	250		Madrid.	
" May 26, " Lynch & Bellew	300		Cadiz.	
" June 13, " Mrs. Barclay	100		Mogadore.	
" Aug. 11, " Lynch & Bellew	750		Daralbeyda.	

1786, Dec. 3,	A Druilhet & Co.....	400	Madrid.
1787, Feb. 10,	Francis Picquerez.....	150	Alicant.
" " "	Wm. Fred. Ast.....	50	do.
" " "	Mrs. Barclay.....	*100	do.
" April 3,	Lynch & Bellew.....	325	Barcelona.

* Probably this bill was for only £50.

£4,645 Sterling.



FROM THOMAS JEFFERSON TO GEORGE WASHINGTON.

Paris, August 14, 1787.

Sir,

I was happy to find, by the letter of August 1st, 1786, which you did me the honor to write to me, that the modern dress for your statue would meet your approbation. I found it strongly the sentiment of West, Copely, Trumbull, and Brown, in London, after which it would be ridiculous to add that it was my own. I think a modern in an antique dress as just an object of ridicule as a Hercules or Marius with a periwig and chapeaubras.

I remember having written to you while Congress sat at Annapolis, on the water communication between ours and the western country, and to have mentioned particularly the information I had received of the plain face of the country between the sources of Big Beaver and Cayohoga, which made me hope that a canal, of no great expense, might unite the navigation of Lake Erie and the Ohio. You must since have had occasion of getting better information on this subject, and if you have, you will oblige me by a communication of it. I consider this canal, if practicable, as a very important work.

I remain in hopes of great and good effects from the decision of the Assembly over which you are presiding. To make our States one as to all foreign concerns, preserve them several as to all merely domestic, to give to the Federal head some peaceable mode of enforcing its just authority, to organize that head into legislative, executive, and judiciary departments, a great desiderata in our Federal Constitution. Yet, with all its defects, and with all those of our particular Governments, the inconveniences resulting from them are so light, in comparison with those existing in every other

Government on earth, that our citizens may certainly be considered as in the happiest political situation which exists.

The *Assemblée des Notables* has been productive of much good in this country. The reformation of some of the most oppressive laws has taken place. The allotment of the State into subordinate governments, the administration of which is committed to persons chosen by the people, will work, in time, a very beneficial change in their Constitution. The expense of the trappings of monarchy, too, is lightening. Many of the useless officers, high and low, of the King, Queen, and Princes, are struck off. Notwithstanding all this, the discovery of the abominable abuses of the public money by the late Comptroller General, some new expenses of the Court not of a piece with the projects of reformation, and the imposition of new taxes, have, in the course of a few weeks, raised a spirit of discontent in this nation, so great and so general, as to threaten serious consequences. The Parliaments in general, and particularly that of Paris, put themselves at the head of this effervescence, and direct its object to the calling the States General, who have not been assembled since 1614. The object is to fix a Constitution, and to limit expenses. The King has been obliged to hold a bed of justice, to enforce the registering the new taxes; the Parliament, on their side, propose to issue a prohibition against their execution. Very probably this may bring on their exile. The mild and patriotic character of the new Ministry, is the principal dependence against this extremity.

The turn which the affairs of Europe will take is not yet decided.

* * * * *

A war wherein France, Holland, and England should be parties seems *prima facie* to promise much advantage to us. But, in the first place, no war can be safe for us which threatens France with an unfavorable issue. And, in the next, it will probably embark us again into the ocean of speculation, engage us to overtrade ourselves, convert us into sea-rovers, under French and Dutch colors, divert us from agriculture, which is our wisest pursuit, because it will, in the end, contribute most to real wealth, good morals, and happiness. The wealth acquired by speculation and plunder is fugacious in its nature, and fills society with the spirit of gambling. The moderate and sure income of husbandry begets permanent improvement, quiet life, and orderly conduct, both public and private. We have no

occasion for more commerce than to take off our superfluous produce, and the people complain that some restrictions prevent this, yet the price of articles with us, in general, shews the contrary. Tobacco, indeed, is low, not because we cannot carry it where we please, but because we make more than the consumption requires. Upon the whole, I think peace advantageous to us, necessary for Europe, and desirable for humanity. A few days will decide, probably, whether all these considerations are to give way to the bad passions of Kings, and those who would be Kings.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. August 15th. The Parliament is exiled to Troyes, this morning. T. J.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 15, 1787.

Sir,

An American gentleman leaving Paris this afternoon, to go by the way of L'Orient to Boston, furnishes me the rare occasion of a conveyance, other than the packet, sure and quick. My letter by the packet informed you of the bed of justice for enregistering the stamp tax and land tax. The Parliament, on their return, came to an *arrestée* (a resolution) which, besides protesting against the enregistering as done by force, laid the foundation for an *arrêt de defence* (an act) against the execution of the two new laws. The question on the final *arrêt* was adjourned to the day before yesterday. It is believed that they did not conclude on this *arrêt*, as it has not appeared. However, there was a concourse of about ten thousand people at the Parliament house, who, on their adjournment, received them with acclamations of joy, loosened the horses of the most eminent speakers against the tax from their carriages, and drew them home. This morning the Parliament is exiled at Troyes. It is believed to proceed principally from the fear of a popular commotion here.

The officer charged by this Court to watch the English squadron, which was under sailing orders, returned about a week ago, with information that it had sailed, having shaped its course westwardly. This is another step towards war. It is the more suspicious, as their

Minister here denies the fact. Count Adhemar is here from London by leave from his Court. The Duke of Dorset, the British Ambassador here, has lately gone to London on leave. Neither of these Ambassadors has the confidence of his Court on the point of abilities. The latter merits it for his honesty. The Minister of the British Court resident here remains, but Mr. Eden, their Ambassador to Spain, under pretence of taking this in his route, is in truth their *factotum* in the present emergency. Nothing worth noting has occurred since my last, either in the Dutch or Austrian Netherlands.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, October 24, 1784.

Dear Sir,

Since the 8th ultimo, when I last wrote to you, I have been favored with your letters of the 6th and 15th August last, which, together with the papers mentioned in the first of them, were immediately laid before Congress.

Although the opinion of the most judicious and well informed seems to be that France and Britain will avoid war, and unite their councils and their efforts to preserve peace, yet as great events are often produced by latent and little circumstances, especially between Courts who distrust each other, I should not be surprised if, notwithstanding their wishes to the contrary, something should happen to frustrate their pacific designs.

You will receive, herewith enclosed, two letters from me dated the 27th, concerning the Consular convention, with a commission to you to form one; and also a certified copy of an act of Congress of the 23d July, on the subject of the Morocco treaty and papers. The want of a safe and private conveyance has, until now, delayed the transmission of these letters and this act. I also enclose the following papers, viz:

1. A certified copy of an act of Congress of 28th September, respecting duties on goods imported by foreign Consuls.

2d. A certified copy of an act of 2d October instant, instructing you not to promote any negotiation for transferring the debt due to France from the United States.

3. A certified copy of an act of 11th October instant, approving the manner in which the prize money due to the crews of the *Bon Homme Richard* and *Alliance* has been quotaed by France, and directing the Board of Treasury to distribute it accordingly.

4. A certified copy of an act of 12th October instant, reappointing you Minister Plenipotentiary at the Court of Versailles, together with a commission and letter of credence, and a copy of the letter for your information.

5. A certified copy of an act of 12th October instant, constituting the residue of the money appropriated the 14th February, 1785, for treaties with Morocco, &c., a fund for redeeming the American captives at Algiers, and a duplicate of the act of 18th July, instructing you to redeem them.

6. A certified copy of an act of the 16th October instant, directing you to have a medal struck in honor of Chevalier Jones, and a copy of a letter to his most Christian Majesty of the same date on the same subject. Congress were pleased to order that he should be the bearer of this letter; but I nevertheless think it proper that you should have a copy of it.

7. Copy of a letter of the 26th ultimo, which I this day received from the Governor of Rhode Island, requesting me to transmit to you the papers which accompanied it, and which I now transmit accordingly.

8. A copy of the Federal Government proposed by the late convention.

9. The requisition of Congress, passed the 11th instant, and their printed journals, from the 10th May to 25th September last, which, with those heretofore sent, will complete your set from the 6th November, 1786. I also send the newspapers from 8th September to this day.

As to the claims of certain individuals against the State of South Carolina, I have, by order of Congress, sent an extract from your letter on that subject, together with a copy of the papers relative to it, to the Governor of that State, in order that they may, thereupon, take such measures as the good faith of the State, and the justice due to the individuals in question may appear to dictate.

The number of States represented in Congress almost daily diminishes, and I must fear will soon be so reduced as not to leave them in capacity to despatch any business requiring nine.

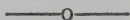
Congress has been pleased to comply with the request of Mr. Adams to return, and I enclose a copy of their act on that head.

As yet I am not authorized to say any thing relative to the proposed Post Office convention. A report on that subject has lain many months before Congress, and still remains undecided.

What will be the fate of the new Constitution, as it is called, cannot easily be conjectured. At present the majority seems to be in favor of it; but there will probably be a strong opposition in some of the States, particularly in this and Pennsylvania.

I have the honor of being, &c.,

JOHN JAY.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, October 24, 1787.

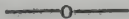
Sir,

The despatches alluded to in my late letters, together with others of some importance, are ready, and were intended to be conveyed to you by this packet; but the gentleman to whose care they were committed, declining to go in her, they must pass to you by some other route. An opinion prevails that hostilities have probably commenced between France and Britain, and such is its impression, that some gentlemen who proposed to sail in the French packet, think it most advisable to take passage in an American vessel. For my own part, I think their apprehensions are premature; for, as yet, I am not informed of any events from which I can infer a probability that war has taken place.

A new commission, to expire at the expiration of your present one, has been ordered, and is ready. You will receive it with the abovementioned despatches.

With sentiments of great and sincere esteem and regard, I have the honor to be, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, August 30, 1787.

Sir,

Since your favor of July 10th, mine have been of July the 17th, 23d, and 28th. The last enclosed a bill of exchange from M.

Grand, on Tessier, for £46 17s. 10d. sterling, to answer General Sullivan's bill for that sum. I hope it got safe to hand, though I have been anxious about it, as it went by post, and my letters through that channel sometimes miscarry.

From the separation of the Notables to the present moment, has been, perhaps, the most interesting interval ever known in this country. The propositions of the Government, approved by the Notables, were precious to the nation, and have been in an honest course of execution, some of them being carried into effect, and others preparing. Above all, the establishment of the Provincial Assemblies, some of which have begun their sessions, bids fair to be the instrument for circumscribing the power of the Crown, and raising the people into consideration. The election given to them is what will do this. Though the Minister who proposed these improvements seems to have meant them as the price of new supplies, the game has been so played as to secure the improvements to the nation without securing the price. The Notables spoke softly on the subject of the additional supplies. But the Parliament took them up roundly, refused to register the edicts for the new taxes till compelled in a bed of justice, and suffered themselves to be transferred to Troyes, rather than withdraw their opposition. It is urged principally against the King that his revenue is one hundred and thirty millions more than that of his predecessor was, and yet he demands one hundred and twenty millions further. You will see this well explained in the "*Conference entre un Ministre d'etat et un conseiller au Parlement*," which I send you, with some small pamphlets. In the meantime, all tongues in Paris (and in France, as it is said) have been let loose, and never was a license of speaking against the Government exercised in London more freely or more universally. Caricatures, placards, *bons mots*, have been indulged in by all ranks of people, and I know of no well attested instance of a single punishment. For some time, mobs of ten, twenty, and thirty thousand people collected daily, surrounded the Parliament house, huzzaed the members, even entered the doors, and examined into their conduct, took the horses out of the carriages of those who did well, and drew them home. The Government thought it prudent to prevent these, drew some regiments into the neighborhood, multiplied the guards, had the streets constantly patrolled by strong parties, suspended privileged places, forbade all clubs, &c. The strong

mobs have ceased. Perhaps this may be partly owing to the absence of Parliament. The Count d'Artois, sent to hold a bed of justice in the *Cour des Aides*, was hissed and hooted without reserve by the populace. The carriage of Madame de (I forget the name) in the Queen's livery, was stopped by the populace, under a belief that it was Madame de Polignac, whom they would have insulted. The Queen, going to the theatre at Versailles, with Madame de Polignac, was received with a general hiss. The King, long in the habit of drowning his cares in wine, plunges deeper and deeper. The Queen cries, but sins on. The Count d'Artois is detested, and Monsieur the general favorite. The Archbishop of Thoulouse is made *Ministre Principal*, a virtuous, patriotic, and able character. The Mareschal of Castries retired yesterday, notwithstanding strong solicitations to remain in office. The Mareschal de Segur retired at the same time, prompted to it by the Court. Their successors are not yet known. Monsieur de St. Priest goes Ambassador to Holland, in the room of Verac, transferred to Switzerland, and the Count de Moustier goes to America, in the room of the Chevalier de la Luzerne, who has a promise of the first vacancy. These nominations are not yet made formally, but they are decided on, and the parties are ordered to prepare for their destination.

As it has been long since I have had a confidential conveyance to you, I have brought together the principal facts, from the adjournment of the *Notables* to the present moment, which, as you will perceive from their nature, required a confidential conveyance. I have done it the rather because, though you will have heard many of them and seen them in the public papers, yet, floating in the mass of lies, which constitute the atmosphere of London and Paris, you may not have been sure of their truth; and I have mentioned every truth of any consequence to enable you to stamp as false the facts pretermitted. I think that in the course of three months, the royal authority has lost, and the rights of the nation gained, as much ground by a revolution of public opinion only as England gained in all her civil wars under the Stuarts. I rather believe, too, they will retain the ground gained, because it is defended by the young and middle aged in opposition to the old only. The first party increases and the latter diminishes daily, from the course of nature. You may suppose that in this situation war would be unwelcome to France. She will surely avoid it, if not forced into it by the Courts

of London and Berlin. If forced, it is probable she will change the system of Europe totally, by an alliance with the two Empires, to whom nothing would be more desirable. In the event of such a coalition, not only Prussia, but the whole European world, must receive from them their laws. But France will, probably, endeavor to preserve the present system, if it can be done, by sacrificing to a certain degree, the pretensions of the patriotic party in Holland. But of all these matters, you can judge, in your position, where less secrecy is observed, better than I can.

I have news from America as late as July the 19th. Nothing had transpired from the Federal Convention. I am sorry they began their deliberations by so abominable a precedent as that of tying up the tongues of their members. Nothing can justify this example but the innocence of their intentions, and ignorance of the value of public discussions. I have no doubt that all their other measures will be good and wise. It is really an assembly of demigods. General Washington was of opinion that they should not separate till October.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 19, 1787.

Sir,

My last letters to you were of the 6th and 15th of August, since which I have been honored with yours of July the 24th, acknowledging the receipt of mine of the 14th and 23d of February. I am anxious to hear you have received that also of May the 4th, written from Marseilles. According to the desires of Congress, expressed in their vote confirming the appointments of Francisco Guiseppe and Girolamo Chiappi, their agents in Morocco, I have written letters to these gentlemen, to begin a correspondence with them. To the first I have enclosed the ratification of the treaty with the Emperor of Morocco, and shall send it either by our agent at Marseilles, who is now here, or by the Count d'Aranda, who sets out for Madrid in a few days, having relinquished his embassy here. I shall proceed on the redemption of our captives at Algiers; as soon as the Commissioners of the Treasury shall enable me, by placing the money

necessary under my orders. The prisoners redeemed by the religious order of Mathurins, cost about four hundred dollars each; and the General of the order told me that they had never been able to redeem foreigners on so good terms as their own countrymen. Supposing that their redemption, clothing, feeding, and transportation, should amount to five hundred dollars each, there must be, at least, a sum of ten thousand dollars set apart for this purpose. Till this is done, I shall take no other step than the preparatory one of destroying at Algiers all idea of our intending to redeem the prisoners. This the General of the Mathurins told me was indispensably necessary, and that it must not, on any account, transpire that the public would interest themselves for their redemption. This was rendered the more necessary by the declaration of the Dey to the Spanish Consul, that he should hold him responsible, at the Spanish price, for our prisoners, even for such as should die. Three of them have died of the plague. By authorizing me to redeem, at the prices *usually* paid by the European nations, Congress, I suppose, could not mean the Spanish price, which is not only unusual, but unprecedented, and would make our vessels the first object of those pirates. I shall pay no attention, therefore, to the Spanish prices, unless further instructed. Hard as it may seem, I should think it necessary not to let it be known, even to the relatives of the captives, that we mean to redeem them.

I have the honor to enclose you a paper from the Admiralty of Guadaloupe, sent to me as a matter of form, and to be lodged, I suppose, with our marine records. I enclose, also, a copy of a letter from the Count de Florida Blanca to Mr. Carmichael, by which you will perceive they have referred the settlement of the claim of South Carolina, for the use of their frigate, to M. Gardoqui, and to the Delegates of South Carolina in Congress.

I had the honor to inform you in my last letter of the Parliament's being transferred to Troyes. To put an end to the tumults in Paris some regiments were brought nearer, the patrols were strengthened and multiplied, some mutineers punished by imprisonment. It produced the desired effect. It is confidently believed, however, that the Parliament will be immediately recalled, the stamp tax and land tax repealed, and other means devised of accommodating their receipts and expenditures. Those supposed to be in contemplation are a vigorous levy of the old tax of the *deux vingtiemes* on the

rich, who had in a great measure withdrawn their property from it, as well as on the poor, on whom it had principally fallen. This will greatly increase the receipts, while they are proceeding, on the other hand, to reform their expenses far beyond what they had promised. It is said these reformatations will amount to eighty millions. Circumstances render these measures more and more pressing.

I mentioned to you in my last letter that the officer charged by the Ministry to watch the motion of the British squadron had returned with information that it had sailed westwardly. The fact was not true. He had formed his conclusion too hastily, and thus led the Ministry into error. The King of Prussia, urged on by England, has pressed more and more the affairs of Holland, and lately has given to the States General of Holland four days only to comply with this demand. This measure would of itself have rendered it impossible for France to proceed longer in the line of accommodation with Prussia. In the same moment an event takes place which seems to render all attempts at accommodation idle. The Turks have declared war against the Russians, and that under circumstances which exclude all prospect of preventing its taking place. The King of Prussia having deserted his ancient friends, there remain only France and Turkey, perhaps Spain, also, to oppose the two Empires, Prussia and England. By such a piece of Quixotism France might plunge herself into ruin with the Turks and Dutch, but would save neither. But there is certainly a confederacy secretly in contemplation, of which the public have not yet the smallest suspicion; that is, between France and the two Empires. I think it sure that Russia has desired this, and that the Emperor, after some hesitation, has acceded. It rests on this country to close. Her indignation against the King of Prussia will be some spur. She will thereby save her party in Holland, and only abandon the Turks to that fate she cannot ward off, and which their precipitation has brought on themselves, by the instigations of the British Ambassador at the Porte, and against the remonstrances of the French Ambassador. Perhaps this formidable combination, should it take place, may prevent the war of the western Powers, as it would seem that neither England nor Prussia would carry their false calculations so far as, with the aid of the Turks only, to oppose themselves to such a force. In that case the patriots of Holland would be peaceably established in the powers of their Government, and the war go on

against the Turks only, who would probably be driven from Europe. This new arrangement would be a total change in the European system, and a favorable one for our friends. The probability of a general war, in which this country would be engaged on one side, and England on the other, has appeared to me sufficient to justify my writing to our agents in the different ports of France, to put our merchants on their guard against risking their property in French or English bottoms. The Emperor, instead of treading back his steps in Brabant, as was expected, has pursued the less honorable plan of decoying his subjects thence by false pretences, to let themselves be invested by his troops, and this done he dictates to them his own terms. Yet it is not certain the matter will end with that.

The Count de Moustier is nominated Minister Plenipotentiary to America, and a frigate is ordered to Cherbourg to carry him over. He will endeavor to sail by the middle of next month; but if any delay should make him pass over the whole of October, he will defer his voyage to the spring, being unwilling to undertake a winter passage. Monsieur de St. Priest is sent Ambassador to Holland, in the room of Monsieur de Verac, appointed to Switzerland. The Chevalier de la Luzerne might, I believe, have gone to Holland, but he preferred a general promise of promotion, and the possibility that it might be to the Court of London. His prospects are very fair. His brother, the Count de la Luzerne, (now Governor in the West Indies,) is appointed Minister of the Marine, in the place of Monsieur de Castries, who has resigned. The Archbishop of Thoulouse is appointed *Ministre Principal*, and his brother, Monsieur de Brienne, Minister of War, in the place of Monsieur de Segur. The department of the Comptroller has had a very rapid succession of tenants. From Monsieur de Calonne it passed to Monsieur de Forqueux, from him to Villedeuil, and from him to Lambert, who holds it at present, but divided with a Monsieur Cabarrus, (whom I believe you knew in Spain,) who is named *Directeur du tresor royal*, the office into which M. Necker came at first. I had the honor to inform you that, before the departure of the Count de la Luzerne to his Government in the West Indies, I had pressed on him the patronage of our trade with the French Islands; that he appeared well disposed, and assured me he would favor us as much as his instructions and the laws of the colonies would permit. I am in hopes these dispositions will be strengthened by his residence in the Islands, and that his acquaint-

ance among the people there, will be an additional motive to favor them. Probably they will take advantage of his appointment to press indulgence in commerce with us. The Ministry is of a liberal complexion, and well disposed to us. The war may add to the motives for opening their islands to other resources for their subsistence, and for doing what may be agreeable to us. It seems to me at present, then, that the moment of the arrival of the Count de la Luzerne will be the moment for trying to obtain a freer access to their Islands. It would be very material to do this, if possible, in a permanent way; that is to say, by treaty; but I know of nothing we have to offer in equivalent. Perhaps the payment of our debt to them might be made use of as some inducement while they are so distressed for money. Yet the borrowing the money in Holland will be rendered more difficult by the same event in proportion as it will increase the demand for money by other Powers.

The gazettes of Leyden and France to this date are enclosed, together with some pamphlets on the internal affairs of this country.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 22, 1787.

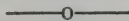
Sir,

The letters of which the enclosed are copies are this moment received, and as there is a possibility that they may reach Havre before the packet sails, I have the honor of enclosing them to you. They contain a promise of reducing the duties on tar, pitch, and turpentine, and that the Government will interest itself with the city of Rouen to reduce the local duty on pot-ash. By this you will perceive that we are getting on a little in this business, though under the present embarrassments it is difficult to procure the attention of the Ministers to it. The Parliament has enregistered the edict for a rigorous levy of the *deux vingtiemes*. As this was proposed to the King in lieu of the impost territorial, there is no doubt now that the latter, with the stamp tax, will be immediately repealed. There can be no better proof of the revolution in the public opinion as to the powers of the monarch, and of the force, too, of that opinion. Six weeks ago we saw the King displaying the plenitude of his omnipotence, as hitherto conceived, to enforce these two acts. At this day

he is forced to retract them by public voice ; for as to the opposition of the Parliament, that body is too little esteemed to produce the effect in any case where the public do not throw themselves into the same scale.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 22, 1787.

Sir,

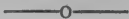
When I had the honor of addressing you this morning, intelligence was handing about which I did not think well enough authenticated to communicate it to you. As it is now ascertained, I avail myself of the chance that another post may yet reach Havre before the departure of the packet. This will depend on the winds, which have for some days been unfavorable. I must premise that this Court, about ten days ago, declared, by their Chargé d’Affaires in Holland, that if the Prussian troops continued to menace Holland with an invasion, his Majesty was determined, in quality of an ally, to succor that province. An *official* letter from the Hague, of the 18th instant, assures that the Prussian army entered the territory of Holland on the 15th ; that most of the principal towns had submitted, some after firing a gun or two, others without resistance ; that the Rhingrave de Salm had evacuated Utrecht with a part of the troops under his command, leaving behind him one hundred and forty-four pieces of cannon, with great warlike stores ; that the standard of Orange was hoisted every where ; that no other cockade could be worn at the Hague ; that the States General were to assemble that night for reinstating the Stadtholder in all his rights. The letter concludes, “ We have this moment intelligence that Woerden has capitulated, so that Amsterdam remains without defence.” So far the letter ; we knew otherwise that Monsieur de St. Priest, who had set out on his embassy to the Hague, has stopped at Antwerp, not choosing to proceed further till new orders. This Court has been completely deceived, first, by its own great desire to avoid a war, and, secondly, by calculating that the King of Prussia would have acted on principles of common sense, which would surely have dictated that a Power lying between the jaws of Russia and Austria should not separate itself from France, unless, indeed, he had

assurances of dispositions in those two Powers which are not supposed to exist. On the contrary, I am persuaded that they ask the alliance of France, whom we suppose to be under hesitations between her reluctance to abandon the Turks, her jealousy of increasing by their spoils the power of the two Empires, and her inability to oppose them. If they cannot obtain her alliance, they will surely join themselves to England and Prussia.

Official advices are received that the first division of the Russian army has passed the Borysthenes into the Polish Ukraine, and is marching towards the frontiers of Turkey. Thus we may consider the flames of war as completely kindled, in two distinct parts of this quarter of the globe, and that, though France and England has not yet engaged themselves in it, the probabilities are that they will do it.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 24, 1787.

Sir,

The times are now so critical, that every day brings something new and important not known the day before. Observing the wind still unfavorable, I am in hopes the packet may not sail to-morrow, and that this letter may be at Havre in time for that conveyance. Mr. Eden has waited on Count de Montmorin, to inform him, officially, that England must consider its Convention with France, relative to the giving notice of its naval armaments, as at an end, and that they are arming generally. This is considered here as a declaration of war. The Dutch Ambassador told me yesterday that he supposed the Prussian troops probably in possession of the Hague. I asked him if it would interrupt the course of business, commercial or banking, in Amsterdam; and particularly, whether our *depôt* of money there was safe. He said the people of Amsterdam would be surely so wise as to submit, when they should see that they could not oppose the Stadtholder; therefore, he supposed our *depôt* safe, and that there would be no interruption of business. It is the hour of the departure of the post; so I have only time to add assurances of the respect and esteem with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, September 28, 1787.

Sir,

I received your favor by Mr. Cutting, and thank you sincerely for the copy of your book. The departure of a packet boat, which always gives me full employment for some time before, has only permitted me to look into it a little. I judge of it from the first volume, which I thought formed to do a great deal of good. The first principle of a good government is certainly a distribution of its powers into executive, judiciary, and legislative, and a subdivision of the latter into two or three branches. It is a good step gained when it is proved that the English Constitution, acknowledged to be better than all which have preceded it, is only better in proportion as it has approached nearer to this distribution of powers. From this the last step is easy, to shew, by a comparison of our Constitutions with that of England, how much more perfect they are. The Article of Confederations is certainly worthy of your pen. It would form a most interesting addition, to shew what has been the nature of the confederations which have existed hitherto, what were their excellencies, and what their defects. A comparison of ours with them would be to the advantage of ours, and would increase the veneration of our countrymen for them. It is a misfortune that they do not sufficiently know the value of their Constitutions, and how much happier they are rendered by them than any other people on earth, by the Governments under which they live.

You know all that has happened in the United Netherlands. You know, also, that our friends Van Staphorsts will be the most likely to become objects of severity, if any severities should be exercised. Is the money in their hands entirely safe? If it is not, I am sure you have already thought of it. Are we to suppose the game already up, and that the Stadtholder is to be reestablished, perhaps erected into a Monarch, without the country lifting a finger in opposition to it? If so, it is a lesson the more for us. In fact what a crowd of lessons do the present miseries of Holland teach us? Never to have an hereditary officer of any sort; never to let a citizen ally himself with Kings; never to call in foreign nations to settle domestic differences; never to suppose that any nation will expose itself to a war for us, &c. Still I am not without hopes that

a good rod is in soak for Prussia, and that England will feel the end of it. It is known to some that Russia made propositions to the Emperor and France for acting in concert; that the Emperor consents, and has disposed four camps of one hundred thousand men from the limits of Turkey to those of Prussia. This Court hesitates, or rather its Premier hesitates, for the Queen, Montmorin, and Breteuil are for the measure. Should it take place, all may yet come to rights, except for the Turks, who must retire from Europe, and this they must do were France quixotic enough to support them. We, I hope, shall be left free to avail ourselves of the advantages of neutrality; and yet much I fear the English, or rather their stupid King, will force us out of it. For thus I reason, by forcing us into the war against them, they will be engaged in an expensive land war as well as a sea war. Common sense dictates, therefore, that they should let us remain neutral, *ergo* they will not let us remain neutral. I never yet found any other general rule for foretelling what they will do, but that of examining what they ought not to do.

I have the honor to be, with my best respects to Mrs. Adams, and sentiments of perfect esteem and regard to yourself, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO C. W. F. DUMAS.

Paris, October 4, 1787.

Sir,

I received your favor of the 23d of September, two days ago. That of the 28th and 29th was put in my hands this morning. I immediately waited on the Ambassadors, ordinary and extraordinary of the United Netherlands, and also on the Envoy of Prussia, and asked their good offices to have an efficacious protection extended to your person, your family, and your effects, observing that the United States knew no party; but are the friends and allies of the United Netherlands as a nation, and would expect, from their friendship, that the person who is charged with their affairs, until the arrival of a Minister, should be covered from all insult and injury which might be offered him by a lawless mob, well assured that their Minister residing with Congress would, on all occasions, receive the same. They have been so good as to promise each that he will, in his first

despatches, press the matter on the proper Power, and give me reason to hope that it will be efficacious for your safety. I will transmit your letter to Mr. Jay by the Count de Moustier, who sets out within a week for New York, as Minister Plenipotentiary for France in that country. I sincerely sympathize on your sufferings, and hope that what I have done may effect an end to them.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, October 8, 1787.

Sir,

I had the honor of writing you on the 19th of September, twice on the 22d, and again on the 24th. The two first went by the packet, the third by a vessel bound to Philadelphia. I have not yet learned by what occasion the last went. In these several letters, I communicated to you the occurrences of Europe as far as they were known. Notwithstanding the advantages which the Emperor seemed to have gained over his subjects of Brabant, by the military arrangements he had been permitted to make under false prettexts, he has not obtained his ends. He certainly wished to enforce his new regulations; but he wished more to be cleared of all domestic difficulties that he might be free to act in the great scenes which are preparing for the theatre of Europe. He seems, therefore, to have instructed his Governor General of the Netherlands to insist on compliance, as far as could be insisted, without producing resistance by arms; but at the same time to have furnished him with a sufficiently complete recantation to prevent the effects of insurrection. The Governor pressed; the people were firm; a small act of force was then attempted, which produced a decided resistance, in which the people killed several of the military. The last resource was then used, which was the act of recantation. This produced immediate tranquillity, and every thing there is now finally settled by the Emperor's relinquishment of his plans.

My letter of the evening of September the 22d, informed you that the Prussian troops had entered Holland, and that of the 24th that England had announced to this Court that she was arming generally. These two events being simultaneous, proved that the two sover-

eigns acted in concert. Immediately after, the Court of London announced to the other Courts of Europe, that if France entered Holland with an armed force, she would consider it as an act of hostility, and declare war against her; sending Mr. Grenville here at the same time to make what she called a conciliatory proposition. This proposition was received as a new insult, Mr. Grenville very coolly treated, and he has now gone back. It is said he has carried the ultimatum of France. What it is particularly has not transpired. It is only supposed, in general, to be very firm.

You will see in one of the Leyden gazettes, one of the letters written by the Ministers of England to the Courts of their respective residence, communicating the declaration beforementioned. In the meantime Holland has been sooner reduced by the Prussian troops than could have been expected. The abandonment of Utrecht by the Rhingrave de Salm seems to have thrown the people under a general panic, during which every place submitted except Amsterdam that had opened conferences with the Duke of Brunswick; but as late as the 22d instant no capitulation was yet concluded. The King of Prussia on his first move demanded categorically of the King of Poland, what part he intended to act in the event of war. The latter answered he should act as events should dictate; and is, in consequence of this species of menace from Prussia, arming himself. He can bring into the field about seventy thousand good cavalry. In the meantime, though nothing transpires publicly of the confederation between France and the two Empires mentioned in my letter of September 19th, it is not the less sure that it is on the carpet, and will take place. To the circumstances beforementioned may be added, as further indications of war, the naming as Generalissimo of their Marine on the Atlantic, Monsieur de St. Suffrein; on the Mediterranean, Monsieur Albert de Rioms, the recalling Monsieur de St. Priest, their Ambassador, from Antwerp before he had reached the Hague, and the activity in their armaments by sea. On the other hand, the little movement by land would make one suppose they expected to put the King of Prussia into other hands. They, too, like the Emperor, are arranging matters at home. The rigorous duty of the *deux vingtièmes* is enregistered, the stamp act and impost territorial are revoked, the Parliament recalled, the nation soothed by these acts, and inspired by the insults of the British Court. The part of the Council still leaning towards peace are become unpopular,

and perhaps may feel the effects of it. No change in the Administration has taken place since my last, unless we may consider as such M. Cabarrus's refusal to stand in the lines. Thinking he should be forced to follow too seriously plans formed by others, he has declined serving. Should this war take place, as is quite probable, and should it be as general as it threatens to be, our neutrality must be attended with great advantages. Whether of a nature to improve our morals or our happiness is another question. But is it sure that Great Britain, by her searches, her seizures, and other measures for harassing us, will preserve our neutrality? I know it may be argued that the land war which she would superadd to her sea war by provoking us to join her enemies, should rationally hold her to her good behavior with us. But since the accession of the present monarch has it not been passion, and not reason, which, nine times out of ten, has dictated her measures? Has there been a better rule of prognosticating what he would do than to examine what he ought not to do? When I review this disposition, and review his conduct, I have little hope of his permitting our neutrality. He will find subjects of provocation in various articles of our treaty with France, which will now come into view in all their consequences, and in consequences very advantageous to the one and the other country. I suggest these doubts on a supposition that our magazines are not prepared for war, and in the opinion that provisions for that event should be thought of.

The enclosed letter from Mr. Dumas came to me open, though directed to you. I immediately waited on the Ambassadors, ordinary and extraordinary, of Holland, and the Envoy of Prussia. I prayed them to interest themselves to have his person, his family, and his goods protected. They promised me readily to do it, and have written accordingly. I trust it will be with effect. I could not avoid enclosing you the letter from Monsieur Bourbé, though I have satisfied him he is to expect nothing from Congress for his inventions. These are better certified than most of those things are; but if time stamps their worth, time will give them to us. He expects no further answer.

The gazettes of Leyden and France to this date accompany this, which will be delivered you by the Count de Moustier, Minister Plenipotentiary from this country.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

(Private.)

Paris, October 8, 1787.

Sir,

The Count de Moustier, Minister Plenipotentiary from the Court of Versailles to the United States, will have the honor of delivering you this. The connexion of your offices will necessarily connect you in acquaintance; but I beg leave to present him to you on account of his personal as well as his public character. You will find him open, communicative, candid, simple in his manners, and a declared enemy to ostentation and luxury. He goes with a resolution to add no aliment to it by his example, unless he finds that the dispositions of our countrymen require it indispensably. Permit me at the same time to solicit your friendly notice, and through you that also of Mrs. Jay, to Madame la Marquise de Brehan, sister-in-law to Monsieur de Moustier. She accompanies him in hopes that a change of climate may assist her feeble health, and also that she may procure a more valuable education for her son, and safer from seduction in America than in France. I think it impossible to find a better woman, more amiable, more modest, more simple in her manners, dress, and way of thinking. She will deserve the friendship of Mrs. Jay, and the way to obtain hers is to receive and treat her without the shadow of etiquette.

The Count d'Aranda leaves us in a day or two. He desired me to recall him to your recollection, and to assure you of his friendship. In a letter which I mean as a private one, I may venture details too minute for a public one, yet not unamusing or unsatisfactory. I may venture names, too, without the danger of their getting into a newspaper. There has long been a division in the Council here on the question of war and peace. Monsieur de Montmorin and Monsieur de Breteuil have been constantly for war. They are supported in this by the Queen. The King goes for nothing. He hunts one half the day, is drunk the other, and signs whatever he is bid. The Archbishop of Thoulouse desires peace. Though brought in by the Queen he is opposed to her in this capital object, which would produce an alliance with her brother. Whether the Archbishop will yield or not I know not. But an intrigue is already begun for ousting him from his place, and it is rather probable it will succeed. He is

a good and patriotic Minister for peace, and very capable in the department of finance. At least he is so in theory. I have heard his talents for execution censured. Can I be useful here to Mrs. Jay or yourself in executing any commissions, great or small? I offer you my services with great cordiality. You know whether any of the wines of this country may attract your wishes. In my tour last spring I visited the best vineyards of Burgundy, Cote-rotie, Hermitage, Lunelle, Frontignan, and white and red Bordeaux, got acquainted with the proprietors, and can procure for you the best crops from the vigneron himself. Mrs. Jay knows if there is anything else here in which I could be useful to her. Command me without ceremony, as it will give me real pleasure to serve you; and be assured of the sincere attachment and friendship with which I am, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO M. LE COMTE DE MOUSTIER.

Paris, October 9, 1787.

Mr. Jefferson has the honor of presenting his respects to Monsieur le Comte de Moustier, and of taking leave of him by letter, which he is prevented doing in person by an unexpected visit to Versailles to-day. He will hope to have the pleasure of sometimes hearing from him, and will take the liberty occasionally of troubling him with a letter. He considers the Count de Moustier as forming, with himself, the two end links of that chain which holds the two nations together; and is happy to have observed in him dispositions to strengthen rather than to weaken it. It is a station of importance, as on the cherishing good dispositions and quieting bad ones, will depend, in some degree, the happiness and prosperity of the two countries. The Count de Moustier will find the affections of the Americans with France, but their habits with England. Chained to that country by circumstances, embracing what they loathe, they realize the fable of the living and the dead bound together. Mr. Jefferson troubles the Count de Moustier with two letters to gentlemen whom he wishes to recommend to his particular acquaintance, and to that of Madame de Brehan. He bids Monsieur de Moustier a most friendly adieu, and wishes him every thing which may render agreeable his passage across the water, and his residence beyond it.

FROM THOMAS JEFFERSON TO C. W. F. DUMAS.

Paris, October 14, 1787.

Sir,

I have duly received your favors of October the 23d and 26th. With respect to the mission you suggest in the former, no powers are lodged in the hands of Mr. Adams and myself. Congress commissioned Mr. Adams, Doctor Franklin, and myself to treat with the Emperor on the subjects of amity and commerce; at the same time they gave us the commission to Prussia, in which you are acquainted. We proposed treating through the Imperial Ambassador here. It was declined on their part, and our powers expired, having been given but for two years. Afterwards, the same Ambassador here was instructed to offer to treat with us. I informed him our powers were expired, but that I would write to Congress on the subject. I did so, but have never yet received an answer. Whether this proceeds from a change of opinion in them, or from the multiplicity of their occupations, I am unable to say. But this state of facts will enable you to see that we have no powers in this instance to take the measures you had thought of. I sincerely sympathize with you in your sufferings. Though forbidden by my character to meddle in the internal affairs of an allied State, it is the wish of my heart that their troubles may have such an issue as will secure the greatest degree of happiness to the body of the people; for it is with the mass of the nation we are allied, and not merely with their governors. To inform the minds of the people, and to follow their will, is the chief duty of those placed at their head. What party, in your late struggles, was most likely to do this, you are more competent to judge than I am.

Under every event, that you may be safe and happy, is the sincere wish of him, who has the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO THE COUNT DE MONTMORIN.

Paris, October 23, 1787.

Sir,

I take the liberty of troubling your Excellency on the subject of the *arrêt* which has lately appeared, for prohibiting the importation

of whale oils and spermaceti, the produce of foreign fisheries. This production being expressed in general terms, seems to exclude the whale oils of the United States of America, as well as of the nations of Europe. The uniform disposition, however, which his Majesty and his Ministers have shewn to promote the commerce between France and the United States by encouraging our productions to come hither, and particularly those of our fisheries, induces me to hope that these were not within their view at the passing of this *arrêt*. I am led more into this opinion, when I recollect the assiduity exercised for several months in the year 1785, by the committee appointed by Government to investigate the objects of commerce of the two countries, and to report the encouragements of which it was susceptible; the result of that investigation, which his Majesty's Comptroller General did me the honor to communicate, in a letter of 22d of October, 1786, stating therein the principles which should be established for the future regulation of that commerce, and particularly distinguishing the article of whale oils by the abatement of the duties on them for the present, and a promise of farther abatements after the year 1790; the thorough reinvestigation with which Monsieur de Lambert honored this subject, when the letter of 1786 was to be put into the form of an *arrêt*; that *arrêt* itself, bearing date the 29th of December last, which ultimately confirmed the abatements of duty present and future, and declared that his Majesty reserved to himself to grant other favors to that production, if on further information he should find it for the interest of the two nations; and finally, the letter in which Monsieur de Lambert did me the honor to enclose the *arrêt*, and to assure me that the duties which had been levied on our whale oils, contrary to the intention of the letter of 1786, should be restored. On a review then of all these circumstances, I cannot but presume that it has not been intended to reverse, in a moment, views so maturely digested and uniformly pursued; and that the general expressions of the *arrêt* of September the 28th had, within their contemplation, the nations of Europe only. This presumption is further strengthened by having observed, that in the treaties of commerce made since the epoch of our independence, the *jura gentis amicissimæ* conceded to other nations are expressly restrained to those of the "most favored *European* nation;" his Majesty wisely foreseeing that it would be expedient to regulate the commerce of a nation, which brings nothing but raw materials to employ the industry of his subjects, very differently from that of other *European*

nations, who bring mostly what has already passed through all the stages of manufacture.

On these circumstances, I take the liberty of asking information from your Excellency as to the extent of the late *arrêt*; and if I have not been mistaken in supposing it did not mean to abridge that of December the 29th. I would solicit an explanatory *arrêt*, to prevent the misconstructions of it, which will otherwise take place. It is much to be desired, too, that this explanation could be given as soon as possible, in order that it may be handed out with the *arrêt* of September the 28th. Great alarm may otherwise be spread among the merchants and adventurers in the fisheries, who, confiding in the stability of regulations which his Majesty's wisdom had so long and well matured, have embarked their fortunes in speculations in this branch of business.

The importance of the subject to one of the principal members of our Union, induces me to attend, with great anxiety, the reassurance from your Excellency that no change has taken place in his Majesty's views on this subject; and that his dispositions to multiply rather than diminish the combinations of interest between the two people continue unaltered.

Commerce is slow in changing its channel. That between this country and the United States is as yet but beginning; and this beginning has received some checks. The *arrêt* in question would be a considerable one, without the explanation I have the honor to ask. I am persuaded that a continuation of the dispositions which have been hitherto manifested towards us will ensure effects, political and commercial, of value to both nations.

I have had too many proofs of the friendly interest your Excellency is pleased to take in whatever may strengthen the bonds and connect the views of the two countries, to doubt your patronage of the present application, or to pretend any occasion of repeating assurances of those sentiments of high respect and esteem, with which I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, November 3, 1787.

Sir,

My last letters to you were of the 8th and 27th of October. In the former I mentioned to you the declaration of this country, that

they would interpose with force if the Prussian troops entered Holland; the entry of those troops into Holland; the declaration of England, that if France did oppose force they would consider it as an act of war. The naval armaments on both sides; the nomination of the Bailli de Suffrein as Generalissimo on the ocean; and the cold reception of Mr. Grenville here, with his conciliatory propositions, as so many symptoms which seemed to indicate a certain and immediate rupture. It was, indeed, universally and hourly expected. But the King of Prussia, a little before these last events, got wind of the alliance on the carpet between France and the two Empires; he awoke to the situation in which that would place him; he made some applications to the Court of St. Petersburg, to divert the Empress from the proposed alliance, and supplicated the Court of London not to abandon him. That Court had also received a hint of the same project. Both seemed to suspect, for the first time, that it would be possible for France to abandon the Turks, and that they were likely to get more than they had played for at Constantinople; for they had meant nothing more there than to divert the Empress and Emperor from the affairs of the west by employing them in the east, and at the same time to embroil them with France as the patroness of the Turks. The Court of London engaged not to abandon Prussia; but both of them relaxed a little the tone of their proceedings. The King of Prussia sent a Mr. Alvensleben here, expressly to explain and soothe; the King of England, notwithstanding the cold reception of his propositions by Grenville, renewed conferences here through Eden and the Duke of Dorset. The Minister, in the affectation of his heart for peace, readily joined in conference, and a declaration and a counter-declaration, were cooked up at Versailles, and sent to London for approbation. They were approved, arrived here at one o'clock the 27th, were signed that night at Versailles, and on the next day I had the honor of enclosing them to you, under cover to the Count de Moustier, whom I supposed still at Brest, dating my letter as of the 27th, by mistake for the 28th. Lest, however, these papers should not have got to Brest before the departure of the Count de Moustier, I now enclose you other copies. The English declaration states a notification of this Court, in September, by Barthelemy, their Minister at London, "that they would send succors into Holland," as the first cause of England's arming; desires an explanation of the intentions of this

Court, as to the affairs of Holland, and proposes to disarm; on condition, however, that the King of France shall not retain any hostile views in any quarter for what has been done in Holland. This last phrase was to secure Prussia, according to promise. The King of France acknowledges the notification by his Minister at London, promises he will do nothing in consequence of it, declares he has no intention to intermeddle with force in the affairs of Holland, and that he will entertain hostile views in no quarter, for what has been done there. He disavows having ever had any intention to interpose with force in the affairs of that Republic. This disavowal begins the sentence which acknowledges he had notified the contrary to the Court of London, and it includes no apology to soothe the feelings which may be excited in the breasts of the Patriots of Holland, at hearing the King declare he never did intend to aid them with force, when promises to do this were the basis of those very attempts to better the Constitution which have ended in its ruin as well as their own.

I have analyzed these declarations, because, being somewhat wrapped up in their expressions, their full import might escape, on a transient reading; and it is necessary it should not escape. It conveys to us the important lesson, that no circumstances of morality, honor, interest, or engagement, are sufficient to authorize a secure reliance on any nation, at all times, and in all positions. A moment of difficulty, or a moment of error, may render forever useless the most friendly dispositions in the King, in the major part of his Ministers, and the whole of his nation. The present pacification is considered by most as only a short truce. They calculate on the spirit of the nation, and not on the agued hand which guides its movements. It is certain that from this moment the whole system of Europe changes. Instead of counting together England, Austria, and Russia, as heretofore, against France, Spain, Holland, Prussia, and Turkey, the division will probably be, England, Holland, and Prussia, against France, Austria, Russia, and perhaps Spain. This last Power is not sure, because the disposition of its heir apparent is not sure. But whether the present be truce or peace, it will allow time to mature the conditions of the alliance between France and the two Empires, always supposed to be on the carpet. It is thought to be obstructed by the avidity of the Emperor, who would swallow a good part of Turkey, Silesia, Bavaria, and the rights of the

Germanic body. To the two or three first articles, France might consent, receiving in gratification a well rounded portion of the Austrian Netherlands, with the Islands of Candia, Cyprus, Rhodes, and perhaps Lower Egypt. But all this is in embryo, uncertainly known, and counterworked by the machinations of the Courts of London and Berlin.

The following solution of the British armaments is supposed in a letter of the 25th ultimo, from Colonel Blachden, of Connecticut, now at Dunkirk, to the Marquis de la Fayette. I will cite it in his own words: "A gentleman who left London two days ago, and came 'to this place to-day, informs me that it is now generally supposed 'that Mr. Pitt's great secret, which has puzzled the whole nation so 'long, and to accomplish which design the whole force of the nation 'is armed, is to make a vigorous effort for the recovery of America. 'When I recollect the delay they have made in delivering the forts 'in America, and that little more than a year ago one of the British 'Ministry wrote to the King a letter, in which were these remarkable 'words: 'If your Majesty pleases, America may yet be yours;' add 'to this, if it were possible for the present Ministry in England to 'effect such a matter, they would secure their places and their power 'for a long time, and should they fail in the end they would be certain 'of holding them during the attempt, which it is in their power to 'prolong as much as they please, and at all events they would boast 'of having endeavored the recovery of what a former Ministry had 'abandoned—it is possible." A similar surmise has come in a letter from a person in Rotterdam to one at this place. I am satisfied the King of England believes the mass of our people to be tired of their independence, and desirous of returning under his government, and that the same opinion prevails in the Ministry and nation. They have hired their news-writers to repeat this lie in their gazettes so long, that they have become the dupes of it themselves. But there is no occasion to recur to this in order to account for their arming. A more rational purpose avowed, that purpose executed, and when executed a solemn agreement to disarm, seem to leave no doubt that the reëstablishment of the Stadtholder was their object. Yet it is possible, that having found that this Court will not make war in this moment for any ally, new views may arise, and they may think the moment favorable for executing any purposes they may have in our quarter. Add to this that reason is no aid in calculating their move-

ments. We are, therefore, never safe till our magazines are filled with arms. The present season of truce or peace should, in my opinion, be improved without a moment's respite to effect this essential object, and no means be omitted by which money may be obtained for the purpose. I say this, however, with due deference to the opinion of Congress, who are better judges of the necessity and practicability of the measure.

I mentioned to you in a former letter the application I had made to the Dutch Ambassadors and Prussian Envoy for the protection of Mr. Dumas. The latter soon after received an assurance that he was put under the protection of the States of Holland; and the Dutch Ambassador called on me a few days ago, to inform me, by instructions from his constituents, "that the States General had received a written application from Mr. Adams praying their protection of Dumas; that they had instructed their *Greffier*, Fagel, to assure Mr. Adams by letter that he was under the protection of the States of Holland, but to inform him at the same time that Mr. Dumas's conduct, out of the line of his office, had been so extraordinary that they would expect *de l'honêteté* de Mr. Adams, that he would charge some other person with the affairs of the United States during his absence."

Your letter of September the 8th has been duly received. I shall pay due attention to the instructions relative to the medals, and give any aid I can in the case of Boss's vessel. As yet, however, my endeavors to find Monsieur Pauly, *avocat au conseil d'état, rue coquilliere*, have been ineffectual. There is no such person living in that street. I found a Monsieur Pauly, *avocat au Parlement*, in another part of the town. He opened the letter, but said it could not mean him. I shall advertise in the public papers. If that fails there will be no other chance of finding him. Mr. Warnum will do well, therefore, to send some other description by which the person may be found. Indeed, some friend of the party interested should be engaged to follow up this business, as it will require constant attention, and probably a much larger sum of money than that named in the bill enclosed in Mr. Warnum's letter.

I have the honor to enclose you a letter from O'Bryen to me, containing information from Algiers, and one from Mr. Montgomery, at Alicant. The purpose of sending you this last is to show you how much the difficulties of ransom are increased since the Spanish

negotiations. The Russian captives have cost about eight thousand livres apiece on an average. I certainly have no idea that we should give any such sum; and therefore, if it should be the sense of Congress to give such a price, I would be glad to know it by instruction. My idea is, that we should not ransom but on the footing of the nation which pays least, that it may be as little worth their while to go in pursuit of us as any nation. This is cruelty to the individuals now in captivity, but kindness to the hundreds that would soon be so, were we to make it worth the while of those pirates to go out of the straits in quest of us. As soon as money is provided, I shall put this business into train. I have taken measures to damp at Algiers all expectations of our proposing to ransom at any price. I feel the distress which this must occasion to our countrymen there and their connexions; but the object of it is their ultimate good, by bringing down their holders to such a price as we ought to pay, instead of letting them remain in such expectations as cannot be gratified.

The gazettes of France and Leyden accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

[The annexed are translations of the Declaration and Counter-Declaration referred to in the preceding letter.]

DECLARATION.

The events which have taken place in the Republic of the United Provinces appearing no longer to leave any subject of discussion, and still less of dispute, between the two Courts, the undersigned are authorized to ask if it be the intention of his most Christian Majesty to act in pursuance of the notification given on the 16th of last month by the Minister Plenipotentiary of his most Christian Majesty, which, announcing his purpose of aiding Holland, has occasioned maritime armaments on the part of his Majesty, which armaments have become reciprocal.

If the Court of Versailles is disposed to explain itself on this subject, and on the conduct adopted towards the Republic, in a manner conformable to the desire evinced by each party to procure a good understanding between the two Courts, it being also understood, at the same time, that no hostile view is entertained in any

quarter in consequence of the past; his Majesty, always eager to manifest his concurrence in the friendly sentiments of his most Christian Majesty, agrees forthwith that the armaments, and, in general, all preparations for war, shall be mutually discontinued, and that the marines of the two nations shall be placed on the footing of a peace establishment, such as existed on the first of January of the present year.

DORSET,
WM. EDEN.

At Versailles, the 27th of October, 1787.

COUNTER-DECLARATION.

It neither being, nor ever having been, the intention of his Majesty to interpose by force in the affairs of the Republic of the United Provinces, the communication made to the Court of London by Mr. Barthelemy having had no other object than to announce to that Court an intention, the motives of which no longer exist, *especially since the King of Prussia has made known his resolution*, his Majesty makes no difficulty in declaring that he has no wish to act in pursuance of the communication aforesaid, and that he entertains no hostile view in any quarter relative to what has passed in Holland.

Consequently, his Majesty, desiring to concur in the sentiments of his Britannic Majesty for the preservation of a good understanding between the two Courts, consents with pleasure to the proposition of his Britannic Majesty, that the armaments, and, in general, all preparations for war, shall be mutually discontinued, and that the navies of the two nations shall be replaced upon the footing of the peace establishment, as it existed on the first day of January of the present year.

MONTMORIN.

At Versailles, the 27th October, 1787.

FROM THOMAS JEFFERSON TO JOHN JAY.

(Private.)

Paris, November 3, 1787.

Dear Sir,

I shall take the liberty of confiding sometimes to a private letter such details of the small history of the Court or Cabinet, as may be

worthy of being known, and yet not proper to be publicly communicated. I doubt whether the Administration is yet in a permanent form. The Count de Montmorin and Baron de Breteuil are, I believe, firm enough in their places. It was doubted whether they would wait for the Count de la Luzerne if the war had taken place; but, at present, I suppose they will. I wish it, also, because M. de Hector, his only competitor, has on some occasions shewn little value for the connexion with us. Lambert, the Comptroller General, is thought to be very insecure. I should be sorry, also, to lose him. I have worked several days with him, the Marquis de la Fayette, and Monsieur du Pont, (father of the young gentleman gone to America with the Count de Moustier,) to reduce into one *arrêt* whatever concerned our commerce. I have found him a man of great judgment and application, possessing good general principles on subjects of commerce, and friendly dispositions towards us. He passed the *arrêt* in a very favorable form; but it has been opposed in the Council, and will, I fear, suffer some alteration in the article of whale oil. That of tobacco, which was put into a separate instrument, experiences difficulties also, which did not come from him. M. du Pont has rendered us essential services on these occasions. I wish his son could be so well noticed as to make a favorable report to his father; he would, I think, be gratified by it, and his good dispositions be strengthened and rendered further useful to us. Whether I shall be able to send you these regulations by the present packet will depend on their getting through the Council in time. The Archbishop continues well with his patroness. Her object is a close connexion with her brother. I suppose he convinces her that peace will furnish the best occasion of cementing that connexion.

It may not be uninteresting to give you the origin and nature of his influence with the Queen. When the Duke de Choiseul proposed the marriage of the Dauphin with this lady, he thought it proper to send a person to Vienna to perfect her in the language. He asked his friend, the Archbishop of Toulouse, to recommend to him a proper person. He recommended a certain Abbé. The Abbé, from his first arrival in Vienna, either tutored by his patron or prompted by gratitude, impressed on the Queen's mind the exalted talents and merits of the Archbishop, and continually represented him as the only man fit to be placed at the helm of affairs. On his

return to Paris, being retained near the person of the Queen, he kept him constantly in her view. The Archbishop was named of the *Assemblée des Notables*, had occasion enough there to prove his talents, and Count de Vergennes, his great enemy, dying opportunely, the Queen got him into place. He uses the Abbé even yet for instilling all his notions into her mind. That he has imposing talents and patriotic dispositions I think is certain. Good judges think him a theorist only, little acquainted with the details of business, and spoiling all his plans by a bungling execution. He may perhaps undergo a severe trial. His best actions are exciting against him a host of enemies, particularly the reduction of the pensions and reforms in other branches of economy. Some think the other Ministers are willing to stay in till he has effected this odious yet necessary work, and that they will then make him the scape-goat of the transaction. The declarations, too, which I send you in my public letter, if they should become public, will probably raise a universal cry. It will all fall on him, because Montmorin and Breteuil say, without reserve, that the sacrifice of the Dutch has been against their advice. He will, perhaps, not permit these declarations to appear in this country. They are absolutely unknown; they were communicated to me by the Duke of Dorset, and I believe no other copy has been given here. They will be published, doubtless, in England, as a proof of their triumph, and may from thence make their way into this country. If the Premier can stem a few months, he may remain long in office, and will never make war if he can help it. If he should be removed, the peace will probably be short. He is solely chargeable with the loss of Holland. True, they could not have raised money by taxes to supply the necessities of war; but could they do it were their finances ever so well arranged? No nation makes war now-a-days but by the aid of loans; and it is probable that in a war for the liberties of Holland all the treasures of that country would have been at their service. They have now lost the cow which furnishes the milk of war. She will be on the side of their enemies whenever a rupture shall take place; and no arrangement of their finances can countervail this circumstance.

I have no doubt you permit access to the letters of your foreign Ministers by persons only of the most perfect trust. It is in the European system to bribe the clerks high, in order to obtain copies

of interesting papers. I am sure you are equally attentive to the conveyance of your letters to us, as you know that all are opened that pass through any post office of Europe. Your letters which come by the packet, if put into the mail at New York, or into the post office at Havre, wore proofs that they had been opened. The passenger to whom they are confided should be cautioned always to keep them in his own hands till he can deliver them personally in Paris.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO THE COUNT DE MONTMORIN.

Paris, November 6, 1787.

Sir,

I take the liberty of asking your Excellency's perusal of the enclosed case of an American hostage, confined in the prisons of Dunkirk. His continuance there seems to be useless and yet endless. Not knowing how far the Government can interfere for his relief, as it is a case wherein private property is concerned, I do not presume to ask his liberation absolutely, but I will solicit from your Excellency such measures in his behalf as the laws and usages of the country may permit.

The Comptroller General having been so good as to explain to me, in a conversation, that he wished to know what duties were levied in England on American whale oil, I have had the honor of informing him, by letter, that the ancient duties on that article are seventeen pounds six shillings and six pence sterling the ton, and that some late additional duties make them amount to about eighteen pounds sterling. That the common whale oil sells there but for about twenty pounds sterling the ton, and, of course, the duty amounts to a prohibition. This duty was originally laid on all foreign fish oil, with a view to favor the British and American fisheries. When we became independent, and, of course, foreign to Great Britain, we became subject to the foreign duty. No duty, therefore, which France may think proper to lay on this article, can drive it to the English market. It could only oblige the inhabitants of Nantucket to abandon their fisheries. But the poverty of their soil offering them no other resource, they must quit their country,

and either establish themselves in Nova Scotia, where, as British fishermen, they may participate of the British premium, in addition to the ordinary price of their whale oil, or they must accept the conditions which this Government offers for the establishment they have proposed at Dunkirk. Your Excellency will judge what conditions may counterbalance in their minds the circumstances of the vicinity of Nova Scotia, sameness of language, laws, religion, customs, and kindred. Remaining in their native country, to which they are most singularly attached, excluded from commerce with England, taught to look to France as the only country from which they can derive sustenance, they will, in case of war, become useful rovers against its enemies. Their position, their poverty, their courage, their address, and their hatred, will render them formidable scourges on the British commerce. It is to be considered then, on the one hand, that the duty which M. de Calonne had proposed to retain on this oil, may endanger the shifting this useful body of seamen out of our joint scale into that of the British; and also, may suppress a considerable subject of exchange for the productions of France. On the other hand, that it may produce an addition to his Majesty's revenue. What I have thus far said is on the supposition that the duty may operate as a diminution of the price received by the fisherman. If it act in the contrary direction, and produce an augmentation of price to the consumer, it immediately brings into competition a variety of other oils, vegetable and animal, a good part of which France receives from abroad; and the fisherman, thus losing his market, is compelled equally to change either his calling or country. When M. de Calonne first agreed to reduce the duties to what he has declared, I had great hopes the commodity could bear them, and that it would become a medium of commerce between France and the United States. I must confess, however, that my expectations have not been fulfilled, and that little has come here as yet. This induces me to fear that it is so poor an article that any duty whatever will suppress it. Should this take place, and the spirit of emigration once seize those people, perhaps an abolition of all duty might then come too late to stop what it would now easily prevent. I fear there is danger in the experiment, and it remains for the wisdom of his Majesty and his Ministers to decide whether the prospect of gain to the revenue or establishing a national fishery may compensate this danger. If the Government should decide to retain the duty, I

shall acquiesce in it cheerfully, and do every thing in my power to encourage my countrymen still to continue their occupation.

The actual sessions of our several Legislatures would render it interesting to forward immediately the regulations proposed on our commerce; and the expiration of the order of Bernis, at the close of this month, endangers a suspension and derangement in the commerce of tobacco, very embarrassing to the merchants of the two countries. Pardon me, therefore, sir, if I appear solicitous to obtain the ultimate decision of his Majesty's Council on these subjects, and to ask as early a communication of that decision as shall be convenient.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, September 13, 1787.

Dear Sir,

This will be delivered to you by young Mr. Rutledge. Your knowledge of his father will introduce him to your notice. He merits it, moreover, on his own account.

I am now to acknowledge your favors of October the 8th and 26th. That of August the 25th was duly received, nor can I recollect by what accident I was prevented from acknowledging it in mine of September the 28th. It has been the source of my subsistence hitherto, and must continue to be so, till I receive letters on the affairs of money from America. Van Staphorsts and Willinks have answered my drafts. Your books for the Marquis de la Fayette are received here. I will notify it to him, who is at present with his Provincial Assembly in Auvergne.

Little is said lately of the progress of negotiations between the Courts of Petersburg, Vienna, and Versailles. The distance of the former, and the cautious, unassuming character of its Minister here, is one cause of delays. A greater one is, the greediness and unstable character of the Emperor. Nor do I think that the principal here will be easily induced to lend himself to any connexion which shall threaten a war within a considerable number of years. His own reign will be that of peace only, in all probability; and were any accident to tumble him down, this country would immediately gird on its sword and buckler, and trust to occurrences for supplies of

money. The wound their honor has sustained, festers in their hearts; and it may be said, with truth, that the Archbishop and a few priests determined to support his measures, because, proud to see their order come again into power, are the only advocates for the line of conduct which has been pursued. It is said, and believed through Paris, literally, that the Count de Montmorin, "*pleuroit comme un enfant*," when obliged to sign the counter-declaration. Considering the phrase as figurative, I believe it expresses the distress of his heart. Indeed, he has made no secret of his individual opinion. In the mean time, the principal goes on with a firm and patriotic spirit in reforming the cruel abuses of the Government, and preparing a new constitution, which will give to this people as much liberty as they are capable of managing. This, I think, will be the glory of his administration, because, though a good theorist in finance, he is thought to execute badly. They are about to open a loan of one hundred millions to supply present wants, and it is said the preface of the *arrêt* will contain a promise of the convocation of the States General during the ensuing year. Twelve or fifteen Provincial Assemblies are already in action, and are going on well; and I think, that though the nation suffers in reputation, it will gain infinitely in happiness under the present administration.

I enclose to Mr. Jay a pamphlet, which I will beg of you to forward. I leave it open for your perusal. When you shall have read it, be so good as to stick a wafer in it. It is not yet published, nor will be for some days. This copy has been ceded to me as a favor.

How do you like our new Constitution? I confess there are things in it which stagger all my dispositions to subscribe to what such an assembly has proposed. The house of federal representatives will not be adequate to the management of affairs, either foreign or federal. Their President seems a bad edition of a Polish King. He may be elected from four years to four years, for life. Reason and experience prove to us that a chief magistrate, so continuable, is an officer for life. When one or two generations shall have proved that this is an office for life, it becomes, on every succession, worthy of intrigue, of bribery, of force, and even of foreign interference. It will be of great consequence to France and England to have America governed by a Galloman or Angloman. Once in office, and possessing the military force of the Union, without the aid or

check of a Council, he would not be easily dethroned, even if the people could be induced to withdraw their votes from him. I wish that at the end of the four years they had made him forever ineligible a second time. Indeed, I think all the good of this new Constitution might have been couched in three or four new articles to be added to the good, old, and venerable fabric, which should have been preserved even as a religious relique. Present me and my daughters affectionately to Mrs. Adams. The younger one continues to speak of her warmly.

Accept yourself, assurances of the sincere esteem and respect, with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO COLONEL SMITH.

Paris, November 13, 1787.

Dear Sir,

I am now to acknowledge the receipt of your favors of October the 4th, 8th, and 26th. In the last you apologize for your letters of introduction to Americans coming here. It is so far from needing apology on your part that it calls for thanks on mine. I endeavor to show civilities to all the Americans who come here, and who will give me opportunities of doing it. And it is a matter of comfort to know, from a good quarter, what they are, and how far I may go in my attentions to them.

Can you send me Woodmanson's bills for the two copying presses for the Marquis de la Fayette and the Marquis de Chastellux? The latter makes one article in the considerable account of old standing, and which I cannot present for want of this article. I do not know whether it is to yourself or Mr. Adams that I am to give my thanks for the copy of the new Constitution. I beg leave, through you, to place them where due. It will yet be three weeks before I shall receive them from America. There are very good articles in it, and very bad. I do not know which preponderate. What we have lately read in the history of Holland, in the chapter on the Stadtholder, would have sufficed to set me against a chief magistrate, eligible for a long duration, if I had ever been disposed towards one. And what we have always read of the elections of Polish Kings, should have forever excluded the idea of one continuable for life.

Wonderful is the effect of impudent and persevering lying. The British Ministry have so long hired their gazetteers to repeat and model into every form lies about our being in anarchy, that the world has at length believed them, the English nation has believed them, the Ministers themselves have come to believe them, and what is more wonderful, we have believed them ourselves. Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Massachusetts? And can history produce an instance of rebellion so honorably conducted? I say nothing of its motives. They were founded in ignorance, not wickedness. God forbid we should ever be twenty years without such a rebellion. The people cannot be all, and always, well informed. The part which is wrong will be discontented, in proportion to the importance of the facts they misconceive. If they remain quiet under such misconceptions, it is a lethargy, the forerunner of death to the public liberty. We have had thirteen States independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half for each State. What country before ever existed a century and a half without a rebellion? And what country can preserve its liberties, if its rulers are not warned from time to time that this people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon, and pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure. Our convention has been too much impressed by the insurrection of Massachusetts; and on the spur of the moment, they are setting up a kite to keep the hen yard in order. I hope in God this article will be rectified before the new constitution is accepted. You ask me if any thing transpires here on the subject of South America? Not a word. I know that there are combustible materials there, and that they wait the torch only. But this country, probably, will join the extinguishers. The want of facts worth communicating to you has occasioned me to give a little loose to dissertation. We must be contented to amuse when we cannot inform.

Present my respects to Mrs. Smith, and be assured of the sincere esteem of, dear sir, your friend and servant,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, December 11, 1787.

Dear Sir,

I am later in acknowledging the receipt of your favors of October the 15th, and November the 5th and 15th, because we have been long expecting a packet, which I hoped would bring communications worth detailing to you, and she arrived only a few days ago after a very long passage indeed. I am very sorry you have not been able to make out the cypher of my letter of September the 25th, because it contained things which I wished you to know at that time. They have lost now a part of their merit; but still I wish you could decypher them, as there remains a part which it yet might be agreeable to you to understand. I have examined the cypher from which it was written. It is precisely a copy of those given to Messrs. Barclay and Lamb. In order that you may examine whether yours correspond, I will now translate into cypher the three first lines of my letter of June the 14.

* * * * *

This will serve to shew whether your cypher corresponds with mine, as well as my manner of using it. But I shall not use it in future till I know from you the result of your reëxamination of it. I have the honor now to return you the letter you had been so good as to enclose to me. About the same time of Liston's conversation with you, similar ones were held with me by Mr. Eden. He particularly questioned me on the effect of our treaty with France, in the case of a war, and what might be our dispositions. I told him, without hesitation, that our treaty obliged us to receive the armed vessels of France, with their prizes, into our ports, and to refuse the admission of prizes made on her by her enemies; that there was a clause by which we guarantied to France her American possessions, and which might, perhaps, force us into the war, if these were attacked. "Then it will be war," said he, "for they will assuredly be attacked." I added, that our dispositions would be to be neutral, and that I thought it the interest of both these Powers that we should be so, because it would relieve both from all anxiety as to the feeding their West India Islands; and England would, moreover, avoid a heavy land war on our continent, which would cripple all her proceedings elsewhere. He expected these sentiments from me

personally, and he knew them to be analagous to those of our country. We had often before had occasions of knowing each other; his peculiar bitterness towards us had sufficiently appeared, and I had never concealed from him that I considered the British as our natural enemies, and as the only nation on earth who wished us ill from the bottom of their souls. And I am satisfied that were our continent to be swallowed up by the ocean, Great Britain would be in a bonfire from one end to the other. Mr. Adams, as you know, has asked his recall. This has been granted; and Colonel Smith is to return, too, Congress having determined to put an end to their commission at that Court. I suspect and hope they will make no new appointment.

Our new Constitution is powerfully attacked in the American newspapers. The objections are, that its effect would be to form the thirteen States into one; that, proposing to melt all down into one General Government, they have fenced the people by no declaration of rights; they have not renounced the power of keeping a standing army; they have not secured the liberty of the press; they have reserved the power of abolishing trials by jury in civil cases; they have proposed that the laws of the Federal Legislatures shall be paramount to the laws and constitutions of the States; they have abandoned rotation in office; and, particularly, their President may be reelected from four years to four years, for life, so as to render him a King for life, like a King of Poland; and they have not given him either the check or aid of a council. To these they add calculations of expense, &c., &c., to frighten the people.

You will perceive that these objections are serious, and some of them not without foundation. The Constitution, however, has been received with a very general enthusiasm, and, as far as can be judged from external demonstrations, the bulk of the people are eager to adopt it. In the Eastern States the printers will print nothing against it unless the writer subscribes his name. Massachusetts and Connecticut have called conventions in January to consider of it. In New York there is a division. The Governor (Clinton) is known to be hostile to it. Jersey, it is thought, will certainly accept it. Pennsylvania is divided, and all the bitterness of her factions has been kindled anew on it. But the party in favor of it is strongest, both in and out of the Legislature. This is the party anciently of Morris, Wilson, &c. Delaware will do what Pennsylvania shall do.

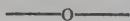
Maryland is thought favorable to it, yet it is supposed Chase and Paca will oppose it. As to Virginia, two of her delegates, in the first place, refused to sign it. These were Randolph, the Governor, and George Mason. Besides these, Henry, Harrison, Nelson, and the Lees are against it. General Washington will be for it, but it is not in his character to exert himself much in the case. Madison will be its main pillar, but though an immensely powerful one, it is questionable whether he can bear the weight of such a host. So that the presumption is that Virginia will reject it. We know nothing of the disposition of the States south of this. Should it fall through, as it is possible, notwithstanding the enthusiasm with which it was received in the first moment, it is probable that Congress will propose that the objections which the people shall make to it, being once known, another convention shall be assembled to adopt the improvements generally acceptable, and omit those found disagreeable. In this way union may be produced under a happy constitution, and one which shall not be too energetic, as are the constitutions of Europe. I give you these details, because, possibly you may not have received them all. The sale of our western lands is immensely successful. Five millions of acres have been sold at private sale, for a dollar an acre, in certificates, and, at the public sale, some of them had sold as high as two dollars and forty cents the acre. The sales had not been begun two months. By these means taxes, &c., our domestic debt, originally twenty-eight millions of dollars, was reduced, by the first day of last October, to twelve millions, and they were then in treaty for two millions of acres more at a dollar, private sale. Our domestic debt will thus be soon paid off, and that done, the sales will go on for money, at a cheaper rate, no doubt, for the payment of our foreign debt. The *petite guerre* always waged by the Indians seems not to abate the ardor of purchase or emigration. Kentucky is now counted at sixty thousand. Frankland is also growing fast.

I have been told that the cutting through the Isthmus of Panama, which the world has so often wished, and supposed practicable, has at times been thought of by the Government of Spain, and that they once proceeded so far as to have a survey and examination made of the ground; but that the result was, either impracticability or too great difficulty. Probably the Count de Campomanes or Don Ulloa can give you information on this head. I should be exceedingly

pleased to get as minute details as possible on it, and even copies of the survey, report, &c., if they could be obtained at a moderate expense. I take the liberty of asking your assistance in this.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, December 12, 1787.

Dear Sir,

In the month of July, I received from Fiseaux & Co., of Amsterdam, a letter notifying me that the principal of their loan to the United States would become due the first day of January. I answered them that I had neither powers nor information on the subject, but would transmit their letter to the Board of Treasury. I did so, by the packet which sailed from Havre August the 10th. The earliest answer possible would have been by the packet which arrived at Havre three or four days ago. But by her I do not receive the scrip of a pen from any body. This makes me suppose my letters were committed to Paul Jones, who was to sail a week after the departure of the packet; and that possibly he may be the bearer of orders from the Treasury to pay Fiseaux's loan with the money you borrowed. But it is also possible he may bring no order on the subject. The slowness with which measures are adopted on our side the water does not permit us to count on punctual answers; but, on the contrary, renders it necessary for us to suppose, in the present case, that no orders will arrive in time, and to consider whether any thing, and what, should be done? As it may be found expedient to transfer all our foreign debts to Holland, by borrowing there, and as it may always be prudent to preserve a good credit in that country, because we may be forced into wars, whether we will or not, I should suppose it very imprudent to suffer our credit to be annihilated for so small a sum as fifty-one thousand guilders. The injury will be greater, too, in proportion to the smallness of the sum; for they will ask, "how can a people be trusted for large sums, who break their faith for such small ones?" You know best what effect it will have on the minds of the money lenders of that country, should we fail in this payment. You know best, solely, whether it is practicable and prudent for us to have this debt paid without orders. I refer the matter, therefore, wholly to your consideration,

willing to participate with you in any risk and any responsibility which may arise. I think it one of those cases where it is a duty to risk one's self. You will perceive by the enclosed, the necessity of an immediate answer, and that if you think any thing can and should be done, all the necessary authorities from you should accompany your letter. In the meantime, should I receive any orders from the Treasury by Paul Jones, I will pursue them, and consider whatever you shall have proposed or done, as *non avenue*.

I am, with much affection, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JAMES MADISON.

Paris, December 20, 1787.

Dear Sir,

My last to you was of October the 8th, by the Count de Moustier. Yours of July the 18th, September the 6th, and October the 25th, were successively received, yesterday, the day before, and three or four days before that. I have only had time to read the letters; the printed papers communicated with them, however interesting, being obliged to lie over till I finish my despatches for the packet, which despatches must go from hence the day after to-morrow. I have much to thank you for, first and most for the cyphered paragraph respecting myself. These little informations are very material towards forming my own decisions. I would be glad even to know when any individual member thinks I have gone wrong in any instance. If I know myself it would not excite ill blood in me, while it would assist to guide my conduct, perhaps, to justify it, and to keep me to my duty alert. I must thank you, too, for the information in Thomas Burk's case; though you will have found, by a subsequent letter, that I have asked of you a further investigation of that matter. It is to gratify the lady who is at the head of the convent wherein my daughters are, and who, by her attachment and attention to them, lays me under great obligations. I shall hope, therefore, still to receive from you the result of all the further inquiries my second letter had asked. The parcel of rice, which you informed me had miscarried, accompanied my letter to the delegates of South Carolina. Mr. Bourgoïn was to be the bearer of both, and both were delivered together into the hands of his relation here, who introduced him to me, and who, at a subsequent moment,

undertook to convey them to Mr. Bourgoïn. This person was an engraver, particularly recommended to Dr. Franklin and Mr. Hopkinson. Perhaps he may have mislaid the little parcel of rice among his baggage. I am much pleased that the sale of western lands is so successful. I hope they will absorb all the certificates of our domestic debt speedily, in the first place, and that then, offered for cash, they will do the same by our foreign ones.

The season admitting of operations in the Cabinet, and those being in a great measure secret, I have little to fill a letter. I will therefore make up the deficiency by adding a few words on the constitution proposed by our Convention.

I like much the general idea of framing a Government which would go on of itself peaceably, without needing continual recurrence to the State Legislatures. I like the organization of the Government into legislative, judiciary, and executive. I like the power given the Legislature to levy taxes, and for that reason solely, I approve of the greater house being chosen by the people directly. For, though I think a house so chosen, will be very far inferior to the present Congress, will be very illy qualified to legislate for the Union, for foreign nations, &c., yet this evil does not weigh against the good of preserving inviolate the fundamental principle that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little States, of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by persons instead of that of voting by States; and I like the negative given to the Executive, conjointly with a third of either House, though I should have liked it better had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment.

I will now tell you what I do not like: First, the omission of a bill of rights, providing clearly and without the aid of sophism for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is reserved in the case of the General Government which is not given, while in the particular ones all is given which is not

reserved, might do for the audience to which it was addressed, but it is surely a *gratis dictum*, the reverse of which might just as well be said; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the clause of our present Confederation, which had made the reservation in express terms. It was hard to conclude, because there has been a want of uniformity among the States as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases, therefore the more prudent States shall be reduced to the same level of calamity. It would have been much more just and wise to have concluded by the other way, that as most of the States had preserved with jealousy this sacred palladium of liberty, those which had wandered should be brought back to it; and to have established general right rather than general wrong. For I consider all the ill as established which may be established. I have a right to nothing which another has a right to take away; and Congress will have a right to take away trials by jury in all civil cases. Let me add, that a bill of rights is what the people are entitled to against every Government on earth, general or particular, and which no just Government should refuse, or rest on inference.

The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the President. Reason and experience tell us that the first magistrate will always be reelected, if he may be reelected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or a foe at the head of our affairs, that they will interfere with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election out-voted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of Government, be supported by the States voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents; and they will be aided by one nation in Europe, while the majority are aided by another. The election of a President of America, some years hence, will be much more interesting to certain nations of Europe than ever the election of a King of Poland was. Reflect on all the instances in history, ancient and modern, of the elective Monarchies, and say if they do not give foundation for my fears; the

Roman Emperors, the Popes while they were of any importance, the German Emperors till they became hereditary in practice, the Kings of Poland, the Deys of the Ottoman dependencies. It may be said that if elections are to be attended with these disorders, the less frequently they are repeated the better. But experience says, that to free them from disorder they must be rendered less interesting by a necessity of change. No foreign Power, nor domestic party, will waste their blood and money to elect a person who must go out at the end of a short period. The power of removing every fourth year by the vote of the people is a power which they will not exercise, and if they were disposed to exercise it, they would not be permitted. The King of Poland is removable every day by the Diet, but they never remove him. Nor would Russia, the Emperor, &c., permit them to do it. Smaller objections are, the appeals on matters of fact as well as law, and the binding all persons, legislative, executive, and judiciary, by oath to maintain that Constitution. I do not pretend to decide what would be the best method of procuring the establishment of the manifold good things in this Constitution, and of getting rid of the bad. Whether by adopting it in hopes of future amendments; or, after it shall have been only weighed and canvassed by the people, after seeing the parts they generally dislike and those they generally approve, to say to them: "We see now 'what you wish. You are willing to give to your Federal Government such and such powers, but you wish at the same time to have 'such and such fundamental rights secured to you, and certain sources 'of convulsion taken away. Be it so. Send together your deputies 'again. Let them establish your fundamental rights by a *sacrosanct* 'declaration, and let them pass the parts of the Constitution you 'have approved. These will give powers to your Federal Government sufficient for your happiness."

This is what might be said, and would probably produce a speedy, more perfect, and more permanent form of Government. At all events I hope you will not be discouraged from making other trials, if the present one should fail. We are never permitted to despair of the Commonwealth. I have thus told you freely which I like and what I dislike, merely as a matter of curiosity; for I know it is not in my power to offer matter of information to your judgment, which has been formed after hearing and weighing everything which the wisdom of man could offer on these subjects. I own I am not a

friend to a very energetic Government. It is always oppressive. It places the governors, indeed, more at ease, at the expense of the people. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in thirteen States in the course of eleven years is but one for each State in a century and a half. No country should be as long without one. Nor will any degree of power in the hands of Government prevent insurrection. In England, where the hand of power is heavier than with us, there are seldom half a dozen years without an insurrection. In France, where it is still heavier, but less despotic, as Montesquieu supposes, than in some other countries, and where there are always two or three hundred thousand men ready to crush insurrections, there have been three in the course of the three years I have been here, in every one of which greater numbers were engaged than in Massachusetts, and a great deal more blood spilt. In Turkey, where the sole nod of the despot is death, insurrections are the events of every day. Compare again the ferocious depredations of their insurgents with the order, the moderation, and the almost self-extinguishment of ours; and say, finally, whether peace is best preserved by giving energy to the Government or information to the people. This last is the most certain and the most legitimate engine of government. Educate and inform the whole mass of the people. Enable them to see that it is their interest to preserve peace and order, and they will preserve them. And it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed Constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it whenever they shall find it works wrong. This reliance cannot deceive us as long as we remain virtuous; and I think we shall be so as long as agriculture is our principal object, which will be the case while there remain vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe, we shall become corrupt as in Europe, and go to eating one another as they do there. I have tired you by this time with disquisitions which you have already heard repeated by others, a thousand and a thousand times, and therefore shall only add assurances of the esteem and attachment with which I have the honor to be, &c.,

TH: JEFFERSON.

P. S. The instability of our laws is really an immense evil. I think it would be well to provide in our Constitution that there shall always be a twelvemonth between the engrossing a bill and passing it—that it should then be offered to its passage without changing a word; and that if circumstances should be thought to require a speedier passage, it should take two thirds of both Houses instead of a bare majority.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, December 31, 1787.

Sir,

Since the receipt of the letter of Monsieur de Calonne of October the 22d, 1786, I have several times had the honor of mentioning to you that I was endeavoring to get the substance of that letter reduced into an *arrêt*, which, instead of being revocable by a single letter of a Comptroller General, would require an *arrêt* to repeal or alter it, and of course must be discussed in full council, and so give due time to prevent it. This has been pressed as much as it could be with prudence. One cause of delay has been the frequent changes of the Comptroller General, as we had always our whole work to begin again with every new one. Monsieur Lambert's continuance in office for some months has enabled us at length to get through the business; and I have just received from him a letter, and the *arrêt* duly authenticated, of which I have the honor to send you a number of printed copies. You will find that the several alterations and additions are made which, on my visit to the sea-ports, I had found to be necessary, and which my letters of June the 21st and August the 6th particularly mentioned to you. Besides these we have obtained some new articles of value, for which openings arose in the course of the negotiation. I say we have done it, because the Marquis de la Fayette has gone hand in hand with me through this business, and has been a most invaluable aid. I take the liberty of making some observations on the articles of the *arrêt* severally, for their explanation, as well as for the information of Congress.

ARTICLE I. In the course of our conferences with the Comptroller General, we had prevailed on him to pass this article with a suppression of all duty. When he reported the *arrêt*, however, to the Council, this suppression was objected to, and it was insisted to reëstablish the duties of seven livres and ten sous, and of ten sous the

livre, reserved in the letter of M. de Calonne. The passage of the *arrêt* was stopped, and the difficulty communicated to me. I urged everything I could, in letters and in conferences, to convince them that whale oil could bear no duty at all; that if the duty fell on the consumer, he would choose to buy vegetable oils; if on the fisherman, he could no longer live by his calling, remaining in his own country; and that if he quitted his own country, the circumstances of vicinity, sameness of language, laws, religion, and manners, and perhaps the ties of kindred, would draw him to Nova Scotia, in spite of every encouragement which could be given at Dunkirk; and that thus those fishermen would be shifted out of a scale friendly to France into one always hostile. Nothing, however, could prevail. It hung on this article alone for two months, during which we risked the total loss of the *arrêt* on the stability in office of Monsieur Lambert; for, if he had gone out, his successor might be less favorable; and if Monsieur Necker were the successor, we might lose the whole, as he never set any store by us, or the connexion with us. About ten days ago it became universally believed that Monsieur Lambert was to go out immediately. I therefore declined further insisting on the total suppression, and desired the *arrêt* might pass, having the duties on whale oil as Monsieur de Calonne had promised them; but with a reservation which may countenance our bringing on this matter again at a more favorable moment.

ARTICLE II. The other fisheries are placed in a separate article, because, whatever encouragement we may hereafter obtain for whale oils, they will not be extended to those which their own fisheries produce.

ARTICLE III. A company had silently, and by unfair means, obtained a monopoly for the making and selling spermaceti candles; as soon as we discovered it we solicited its suppression, which is effected by this clause.

ARTICLE IV. The duty of an eighth per cent. is merely to oblige the masters of vessels to enter their cargoes for the information of Government, without inducing them to attempt to smuggle.

ARTICLE VI. Tar, pitch, and turpentine of America, coming in competition with the same articles produced in the southwestern parts of France, we could obtain no greater reduction than two and a half per cent. The duties before were from four to six times that amount.

ARTICLE X. The right of *entrepôt* given by this article is almost the same thing as making all their ports free ports for us. The ships are, indeed, subject to be visited, and the cargoes must be reported in ports of *entrepôt*, which need not be done in the free ports. But the communication between the *entrepôt* and the country is not interrupted by continual search of all persons passing into the country, which has proved so troublesome to the inhabitants of our free ports as that a considerable proportion of them have wished to give back the privilege of their freedom.

ARTICLE XIII. This article gives us the privileges and advantages of native subjects, in all their possessions in Asia, and in the *scales leading thereto*. This expression means, at present, the Isles of France and Bourbon, and will include the Cape of Good Hope, should any future events put it into the hands of France. It is with a view to this that I proposed the expression; because we were then in hourly expectation of a war, and it was suspected that France would take possession of that place. It will, in no case, be considered as including any thing westward of the Cape of Good Hope. I must observe, further, on this article, that it will only become valuable on the suppression of the East India Company; because, as long as their monopoly continues, even native subjects cannot enter their Asiatic ports for the purposes of commerce.

It is considered, however, as certain, that this company will be immediately suppressed.

The article of tobacco could not be introduced into the *arrêt*, because it was necessary to consider the Farmers General as parties to that arrangement. It rests, therefore, of necessity, on the basis of a letter only. You will perceive that this is nothing more than a continuation of the order of Bernis, only leaving the prices unfixed; and like that, it will require a constant and vexatious attention to have its execution enforced.

The States which have much to carry, and few carriers, will observe, perhaps, that the benefits of these regulations are somewhat narrowed by confining them to articles brought hither in French or American bottoms. But they will consider that nothing in those instruments moves from us. The advantages they hold out are all given by this country to us, and the givers will modify their gifts as they please. I suppose it to be a determined principle of this Court not to suffer our carrying business, so far as their consumption

of our commodities extends, to become a nursery for British seamen. Nor would this, perhaps, be advantageous to us, considering the dispositions of the two nations towards us. The preference which our shipping will obtain on this account, counterpoise the discouragements it experiences from the dangers of the Barbary States. Nor is the idea unpleasing which shews itself in various parts of these papers, of naturalizing American bottoms and American citizens in France and in its foreign possessions. Once established here, and in their eastern settlements, they may revolt less at the proposition to extend it to those westward. They are not yet, however, at that point; we must be contented to go towards it a step at a time, and trust to future events for hastening our progress.

With respect to the alliance between this and the two Imperial Courts, nothing certain transpires. We are enabled to conjecture its progress only from facts which now and then show themselves. The following may be considered as indications of it: 1st. The Emperor has made an attempt to surprise Belgrade. The attempt failed, but will serve to plunge him into the war, and to shew that he had assumed the character of mediator only to enable himself to gain some advantage by surprise. 2d. The mediation of France is probably at an end, and their abandonment of the Turks agreed on; because they have secretly ordered their officers to quit the Turkish service. This fact is known to but few, and not intended to be known, but I think it certain. 3d. To the offer of mediation lately made by England and Prussia, the Court of Petersburg answered, that having declined the mediation of a friendly Power, (France,) she could not accept that of two Courts with whose dispositions she had reason to be dissatisfied. 4th. The States General are said to have instructed their Ambassador here lately to ask of M. de Montmorin whether the inquiry had been made which they had formerly desired, "By what authority the French Engineers had been placed in the service of Holland?" And that he answered that the inquiry had not been made nor should be made. Though I do not consider the channel through which I get this fact as absolutely sure, yet it is so respectable that I give credit to it myself. 8th. The King of Prussia is withdrawing his troops from Holland. Should the alliance shew itself, it would seem that France, thus strengthened, might dictate the reëstablishment of the affairs of Holland in her own form. For it is not conceivable that Prussia would dare to move, nor that

England would alone undertake such a war, and for such a purpose. She appears, indeed, triumphant at present ; but the question is, who will triumph at last ?

I enclose you a copy of a letter from Mr. Dumas. I received one from him myself, wherein he assures me that no difficulties shall be produced by what he suggested relative to his mission to Brussels. The gazettes of France and Leyden, to this date, accompany this letter, which, with the several papers put under your cover, I shall send to Mr. Limozin, our agent at Havre, to be forwarded by the Juno, Captain Jenkins, which sails from that port for New York, on the 3d of January.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO LE COMTE BERNSTORFF, MINISTER
OF FOREIGN AFFAIRS, COPENHAGEN.

Paris, January 21, 1788.

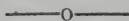
Sir,

I am instructed by the United States of America, in Congress assembled, to bring again under the consideration of his Majesty the King of Denmark, and of his Ministers, the case of the three prizes taken from the English during the late war by an American squadron under the command of Commodore Paul Jones, put into Bergen in distress, there rescued from our possession by orders from the Court of Denmark, and delivered back to the English. Dr. Franklin, then Minister Plenipotentiary from the United States at the Court of Versailles, had the honor of making applications to the Court of Denmark for a just indemnification to the persons interested, and particularly by a letter of the 22d of December, 1779, a copy of which I have the honor of enclosing for your Excellency. In consequence of this, the sum of ten thousand pounds was proposed to him as an indemnification, through the Baron de Walterstorff, then at Paris. The departure of both those gentlemen from this place soon after occasioned an intermission in the correspondence on this subject. But the United States continue to be very sensibly affected by this delivery of their prizes to Great Britain, and more so, as no part of their conduct had forfeited their claim to those rights of hospitality which civilized nations extend to each other. Not only a sense of

justice due to the individuals interested in those prizes, but also an earnest desire that no subject of discontent may check the cultivation and progress of that friendship which they wish may subsist and increase between the two countries, prompts them to remind his Majesty of the transaction in question; and they flatter themselves that his Majesty will concur with them in thinking, that as restitution of the prizes is not practicable, it is reasonable and just that he should render, and that they should accept, a compensation equivalent to the value of them. And the same principles of justice towards the parties, and of amity to the United States, which influenced the breast of his Majesty to make, through the Baron de Walterstorff, the proposition of a particular sum will surely lead him to restore their full value, if that were greater, as is believed, than the sum proposed. In order to obtain, therefore, a final arrangement of this demand, Congress have authorized me to depute a special agent to Copenhagen, to attend the pleasure of his Majesty. No agent could be so adequate to this business as the Commodore Paul Jones, who commanded the squadron which took the prizes. He will, therefore, have the honor of delivering this letter to your Excellency in person, of giving such information as may be material, relative to the whole transaction; of entering into conferences for its final adjustment; and being himself principally interested, not only in his own right, but as the natural patron of those who fought under him, whatever shall be satisfactory to him, will have a great right to that ultimate approbation which Congress have been pleased to confide to me.

I beg your Excellency to accept the homage of that respect which your exalted station, talents, and merit impress, as well as those sentiments of esteem and regard, with which I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, February 5, 1788.

Sir,

The letter of December 12th, which Mr. Remsen did me the favor to write me during your indisposition, has been duly received, and I shall be happy to hear that the cause is removed which deprived me at that moment of the pleasure of hearing from you. My last were

of the 21st and 31st December. I am afraid that my intelligence may have appeared sometimes to come late to hand. My letters by the Count de Moustier suffered by his long delay in Brest by contrary winds. That, too, which he carried of October 27th, was particularly interesting, as it enclosed notice of the pacification between France and England. My letter of December 31st, by Captain Jenkins, who was to have sailed January 3, was detained with his vessel in Havre by contrary winds, till January 27th. It conveyed the *arrêt* and letter relative to our commerce, which were interesting also. On account of the multitude of falsehoods always current here, under specious appearances, I am obliged to be slow of belief, but whenever a part worth communicating is so far authenticated as to be worthy belief, I never fail to avail myself of the first safe opportunity of communicating it to you.

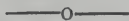
The last letter on the subject of the brig Absolonia from Rhode Island, having reëstablished the orthography of the advocate's name, (Deputy, instead of Depauty, as the first letter had called him,) I have found him, and delivered him the letters, and now enclose an answer from him to Messrs. Topham, Ross, and Newman.

No remarkable circumstance has happened in the political affairs of Europe since my last. The season permits little activity between the Turks and Russians. The Emperor, since the manœuvre to surprise Belgrade, which failed, has been gathering strength towards that quarter, but no open act of hostility has yet taken place. The principal Minister here seems immoveably pacific. Their late loan is filling up, indeed, but with subscriptions only, not cash. This comes in slowly, and the payments yet to be made are less sure than could be wished. I am as sure they can obtain no money in Holland. The negotiations with Russia and the Emperor proceed; but they proceed slowly. The hopes of the Dutch Patriots are just kept alive. Their Ambassador does not yet return to Hague. The Prussians are about to withdraw from Holland, and to be replaced by Hessians in the pay of the Republic. The health of the principal Minister here is so low that he does business with nobody but the King and Queen and the Ministers. Much is said and believed of his retiring from office, and being succeeded by the Duke de Chatelet; but I do not believe it, because facts seem to evince him master of the minds both of the King and Queen. The bickerings with the Parliament continue. The edict for the favor of the non-

Catholics has at length passed. You will see a copy of it in the gazettes, and wonder that so small an effort of common sense could have excited so much contradiction. A violent opposition is raised against the *arrêt* for the encouragement of our commerce, enclosed in my last. All the Chambers of Commerce have remonstrated against it, and the Ministers are alarmed. The Count de la Luzerne, on whose friendly dispositions it was supposed we might rely, does not manifest any partialities for us. The instability of the laws in this country are such that no merchant can venture to make any speculation on the faith of a law. I hope, however, that no material alteration will be permitted in the present instance. Therefore, I should think it better not to alarm our merchants with any doubts about the continuance of it. Commodore Jones set off this day for Copenhagen, to settle the demands for prize money against that Court. I have lately seen a person, just come from Algiers, who knew well all our captives there. Captain Coffin is dead of a consumption; two have died of the plague, and one of the small-pox. He thinks that since the price given by the Spaniards and Neapolitans for the redemption of captives, they will never sell another of any nation for less than from five to six hundred sequins. He supposes that exclusively of the redemption of our captives, it would have cost us a million of dollars to make peace when Mr. Lamb arrived there. The Spaniards, Neapolitans, and Portuguese were then all suing for peace. This has increased excessively the pride of those pirates. As soon as money is provided, I shall set the business of redemption afoot. This letter goes by post. The gazettes to this day are enclosed.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Amsterdam, March 13, 1788.

Sir,

Mr. Adams having announced to our bankers here his approaching departure from Europe, and referred them to me for counsel on our affairs in their hands, they sent me a state of them, and of the difficulties which were pressing at the moment, and impending more seriously for the month of June. They were urging me, by almost every post, on this subject. In this situation, information of Mr. Adams's journey of leave to the Hague reached me on the day of

his arrival there. I was sensible how important it was to have the benefit of his interference, in a department which had been his peculiarly from the beginning, and with all the details of which he was as intimately acquainted as I was little so. I set out, therefore, in the instant, joined him at the Hague, and he readily concurred with me in the necessity of our coming here to confer with our bankers on the measures which might be proper and practicable. We are now engaged on this object, and the result, together with a full explanation of the difficulties which commanded our attention, shall be the subject of a letter which I shall do myself the honor of writing you by Mr. Adams to be forwarded by Colonel Smith, who will go in the English packet. I avoid further particulars in the present letter, because it is to pass through the different post offices to Paris. It will be forwarded thence by Mr. Short, whom I have desired to do himself the honor of writing to you any occurrences since my departure, which may be worthy of being communicated by the French packet of this month.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Amsterdam, March 16, 1788.

Sir,

In a letter of the 13th instant, which I had the honor of addressing you from this place, I mentioned, in general terms, the object of my journey thither, and that I should enter into more particular details by the confidential conveyance which would occur through Mr. Adams and Colonel Smith.

The Board of Treasury had, in the month of December, given notice to our banker here that it was impossible for them to make any remittances to Europe for the then ensuing year; and that they must therefore rely altogether on the progress of the late loan. But this, in the meantime, after being about one third filled, had ceased to get forward. The bankers, who had been referred to me for advice by Mr. Adams, stated their circumstances, and pressed their apprehensions for the ensuing month of June, when 270,000 florins would be wanting for interest. In fine, they urged an offer of the holders of the former bonds to take all those now remaining on hand, provided they might retain out of them the interest on a part of our

domestic debt, of which they had also become the holders. This would have been 180,000 florins. To this proposition I could not presume any authority to listen. Thus pressed between the danger of failure on one hand, and an impossible proposition on the other, I heard of Mr. Adams being gone to the Hague to take leave. This knowledge of the subject was too intimate to be neglected under the present difficulty, and it was the last moment in which we could be availed of it. I set out, therefore, immediately for the Hague, and we came on to this place together, in order to see what could be done. It was easier to discover than to remove the causes which obstructed the progress of the loan. Our affairs here, like those of other nations, are in the hands of particular bankers. These employ particular brokers, and they have their particular circle of money lenders. These money lenders, as I have before mentioned, while placing a part of their money in our foreign loans, had at the same time employed another part in a joint speculation to the amount of 840,000 dollars of our domestic debt. A year's interest was becoming due on this, and they wished to avail themselves of our want of money for the foreign interest to obtain payment of the domestic. Our first object was to convince our bankers that there was no Power on this side the Atlantic which could accede to this proposition, or give it any countenance. They at length, therefore, but with difficulty receded from this ground, and agreed to enter into conferences with the brokers and lenders, and to use every exertion to clear the loan from the embarrassment in which this speculation had engaged it? What will be the result of these conferences is not yet known. We have hopes, however, that it is not desperate, because the bankers yesterday consented to pay off, and did actually pay off the capital of 51,000 florins, which had become due to the house of Fizeaux & Co. on the first day of January, which had not yet been paid. We have gone still further. The Treasury Board gives no hope of remittances till the new Government can procure them. For that Government to be adopted, its Legislature assembled, its system of taxation and collection arranged, the money gathered from the people into their treasury, and then remitted to Europe, must enter us considerably into the year 1790. To secure our credit, then, for the present year only, is but to put off the evil day to the next. What remains of the last, even when it shall be filled up, will little more than clear us of present demands, as may

be seen by the estimate enclosed, We thought it better, therefore, to provide at once for the years 1789 and 1790 also, and thus to place the Government at its ease, and our credit in security during that trying interval. The same estimate will show that another million of florins will be necessary to effect this. We stated this to our bankers, who concurred in our views, and that to ask the whole sum at once would be better than to make demands from time to time so small as that they betray to the money holders the extreme feebleness of our resources. Mr. Adams, therefore, has executed bonds for another million of florins, which, however, are to remain unissued till Congress shall have ratified the measure; so that the transaction is something or nothing at their pleasure. We suppose its expediency so apparent as to leave little doubt of its ratification. In this case much time will have been saved by the execution of the bonds at this moment, and the proposition will be presented here under a more favorable appearance, according to the opinion of the banker. Mr. Adams is under a necessity of setting out to-morrow morning; but I shall stay two or three days longer to attend to, and to encourage the efforts of the bankers, to judge and to inform you whether they will ensure us a safe passage over the month of June.

Not having my letters here to turn to, I am unable to say whether in the last I wrote from Paris I mentioned the declaration of the Emperor that he should take a part in the war against the Turks. This declaration appeared a little before or a little after that letter; I do not recollect which. Some trifling hostilities have taken place between them. The Court of Versailles seems to pursue immoveably its pacific system. And from every appearance in the country from which I write, we must conclude that its tragedy is wound up. The triumph appears complete, and tranquillity perfectly established. The numbers who have emigrated are differently estimated from twenty to forty thousand.

A little before I left Paris I received a piece of intelligence which should be communicated, leaving you to lay what stress upon it it may seem to deserve. Its authenticity may be surely relied on. At the moment of the late pacification Spain had about fifteen ships of the line really ready for sea. The convention for disarming did not extend to her, nor did she disarm. This gave inquietude to the Court of London, and they demanded an explanation. One was given, which they say is perfectly satisfactory. The Russian Minister

at Versailles getting a knowledge of this, became suspicious on his part. He recollected that Spain during the war had been opposed to the entrance of a Russian fleet into the Mediterranean, and concluded if England was not the object of the armament, Russia might be. It is known that that Power means to send a fleet of about twenty-four ships into the Mediterranean this summer. He went to the Count de Montmorin and expressed his apprehensions. The Count de Montmorin declared that the object of Spain in that armament was totally different; that he was sure she would succeed; but that France and Spain were to be considered as one, and that the former would become guarantee for the latter that she would make no opposition to the Russian fleet. If neither England nor Russia be the object, the question recurs, who is it for? You know best if our affairs with Spain are in a situation to give jealousy to either of us. I think it very possible that the satisfaction of the Court of London may have been pretended or premature. It is possible, also, that the affairs of Spain in South America may require them to assume a threatening appearance. I give you the facts, however, and you will judge whether they are objects of attention or of mere curiosity.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. I enclose herewith an extract of a letter from the Count de Vergennes to the French Ambassador at the Hague, which will make a remarkable chapter in the history of the late revolution here. It is not public, nor should be made so by us. Probably those who have been the victims of it will some day publish it.

TH: JEFFERSON.

Extract from the Count de Vergennes's despatch to the Marquis de Verac, Ambassador from France at the Hague, dated 15th August, 1786.

The King will concur as far as he can towards the success of this matter, and you will request, on his part, the patriots to communicate their views, plans, and wishes. You will assure them that the King is equally interested for their persons as well as their cause, and that they may rely on his protection. They may depend upon this the

more, as we do not pretend to dissemble, sir, that, if the Stadtholder recovers his former influence, the English system will not fail to prevail, and our alliance become a mere phantom. The patriots will readily perceive that such a circumstance would be quite incompatible with the dignity as well as the respect of his Majesty. But in case, sir, the leaders of the patriots should fear a schism, they will have ample time to bring back such of their friends as the English party have perverted, and arrange matters so that the question which is to be again deliberated be decided agreeably to their wishes. On this presumption the King authorizes you to act in concert with them, to follow such directions as they may see proper to give you, and to employ every means to augment their number of partizans for the good cause. It remains for me, sir, to speak to you concerning the personal security of the patriots. You will assure them that at all events the King takes them under his immediate protection; and you will inform, whenever it may be necessary, that his majesty will consider every attempt against their liberty as a personal offence against him.

It is to be presumed that this language, supported with energy, will impose on the audacity of the English party, and that the Prince of Nassau will apprehend some danger by provoking his Majesty's resentment.



FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, November 3, 1787.

Dear Sir,

Since the date of my last, which was the 24th ultimo, Congress has been pleased to pass an act, of which the enclosed is a copy. It contains instructions to you relative to the demands of the United States against the Court of Denmark. As they are express and particular, remarks upon them would be unnecessary. I am persuaded that the manner in which this business will be conducted and concluded will evince the propriety of its being committed to your discretion.

Advices from Georgia represent that State as much distressed by the Indians. It is said that the apprehensions of the people are so greatly alarmed that they are even fortifying Savannah. There

doubtless is reason to fear that their frontier settlements will be ravaged. The Indians are numerous, and they are exasperated, and will probably be put to no difficulty on account of military stores. These embarrassments result from the want of a proper government, to guard good faith and punish violations of it.

With very sincere esteem, &c.,

JOHN JAY.

Extract from the Secret Journal, October 28th, 1787.

On motion of Mr. H. Lee, seconded by Mr. Carrington,

Resolved, That the Minister of the United States at the Court of Versailles be, and he hereby is, authorized and instructed to represent to his Danish Majesty that the United States continue to be very sensibly affected by the circumstance of his Majesty having caused a number of their prizes to be delivered to Great Britain during the late war, and the more so as no part of their conduct had forfeited their claims to the rights of hospitality, which civilized nations extend to each other. That not only a sense of the justice due to the individuals interested in those prizes, but also an earnest desire that no subject of discontent may check the cultivation and progress of that friendship which they wish may subsist and increase between the two countries, prompt the United States to remind his Majesty of the transaction in question. And they flatter themselves that his Majesty will concur with them in thinking that as restitution of the prizes is not practicable, it is reasonable and just that he should render, and that they should accept, a compensation equivalent to the value of them.

That the said Minister be further authorized and instructed finally to settle and conclude the demand of the United States against his Danish Majesty on account of the prizes aforesaid, by such composition and on such terms as may be the best in his power to obtain; and that he be directed to retain in his hands all the money so recovered till the further order of Congress.

That the said Minister be, and he is hereby, authorized in case he shall think it proper, to despatch the Chevalier John Paul Jones, or any other agent, to the Court of Denmark, with such powers and instructions relative to the abovementioned negotiation as in his judgment may be the most conducive to the successful issue thereof;

provided, that the ultimate conclusion of the business be not made by the agent without the previous approbation of the said Minister.

That the person employed shall, for his agency in the business aforesaid, be allowed five per cent. for all expenses and demands whatever on that account.

Ordered, That the Board of Treasury transmit to the Minister of the United States at the Court of Versailles all the necessary documents relative to the prizes delivered up by Denmark.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, April 24, 1788.

Dear Sir,

Since the 3d November last I have been honored by your favors of the 19th, 22d, and 24th September, 8th and 27th October, 3d and 7th November, 21st and 31st December, and 5th February last, all of which have been laid before Congress; but they have given me no orders respecting the subjects of them.

The state of my health was, for a long time, such as to oblige me to omit some good opportunities of writing to you fully. It is not yet perfectly reëstablished; but I am nevertheless so far recovered as to have reason to hope that the approaching season will moderate, if not wholly remove, my remaining complaints.

Since the rising of the late Convention at Philadelphia Congress has done but little business, and I apprehend that will continue to be the case while the fate of the proposed Constitution remains undecided. You will perceive, from the public papers, that it has given occasion to heats and parties in several of the States.

The late commercial arrangements of France relative to the United States, will tend to render the connexion between the two countries more intimate. They bear marks of wisdom and liberality, and cannot fail of being very acceptable. It is to be regretted that the mercantile people in France oppose a system which, certainly, is calculated to bind the two nations together, and from which both would eventually derive commercial as well as political advantages.

It appears to me that France has not a single ally in Europe on which she can fully depend; and it doubtless would be wise in her

to endeavor so to blend her interests with ours as, if possible, to render them indissoluble. This, in my opinion, can only be done by giving us all the privileges of Frenchmen, and accepting in return all the privileges of Americans. If they could bring themselves to adopt this idea, their schemes of policy respecting us would be greatly simplified; but the spirit of monopoly and exclusion has prevailed in Europe too long to be done away at once; and however enlightened the present age may appear when compared with former ones, yet, whenever ancient prejudices are touched, we find that we only have light enough to see our want of more. Toleration in commerce, like toleration in religion, gains ground, it is true; but I am not sanguine in my expectations that either will soon take place in their due extent.

I have the honor of being, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, May 16, 1788.

Dear Sir,

Since the date of my last, viz: 24th ultimo, no letters from you have arrived, nor any event of importance occurred, except the accession of Maryland to the number of the States which have adopted the proposed Constitution. Until that business is concluded, I apprehend that our national affairs will continue much at a stand.

Mr. Barlow will take charge of this, and of a packet of newspapers for you.

With great and sincere esteem, &c.,

JOHN JAY.

—O—

FROM THOMAS JEFFERSON TO THE COMMISSIONERS OF THE TREASURY.

Paris, February 7, 1788.

Gentlemen,

Your favors of November the 10th and 13th, and December the 5th, have been duly received. Commodore Jones left this place for Copenhagen, the 5th instant, to carry into execution the resolution of Congress of October the 25th. Whatever moneys that Court

shall be willing to allow shall be remitted to your bankers, either in Amsterdam or Paris, as shall be found most beneficial; allowing previously to be withdrawn Commodore Jones's proportion, which will be necessary for his subsistence. I desired him to endeavor to prevail on the Danish Minister to have the money paid in Amsterdam or Paris, by their bankers, in either of those cities, if they have one.

Mr. Ast (Secretary to the Consulate) is at L'Orient. Whether he comes up with the papers, or sends them, they shall be received, sealed up, and taken care of. I will only ask the favor of you that I may never be desired to break the seals, unless very important cause for it should arise.

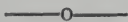
I have just received, from Messrs. Willinks and Van Staphorsts, a letter of January the 31st, in which are these words: "The official 'communication we have of the actual situation and prospect of the 'finances of the United States, would render such a partial payment 'as that to Fiseaux's house, of no avail towards the support of the 'public credit, unless effectual measures shall be adopted to provide 'funds for the 270,000 florins interest that will be due the first of 'June next; a single day's retard in which would ground a prejudice 'of long duration." They informed me, at the same time, that they have made to you the following communication: That Mr. Stanitski, our principal broker, and holder of thirteen hundred and forty thousand dollars of certificates of our domestic debt, offers to have our loan of a million of guilders (of which six hundred and twenty-two thousand eight hundred and forty are still unfilled) immediately made up, on condition that he may retain thereout one hundred and eighty thousand guilders, being one year's interest on his certificates, allowing a deduction of ten per cent. from his said interest, as a compensation for his receiving it in Amsterdam instead of America, and not pretending that this shall give him any title to ask any payment of future interest in Europe. They observe that this will enable them to face the demands of Dutch interest till the 1st of June, 1789, pay the principal of Fiseaux's debt, and supply the current expenses of your legation in Europe. On these points it is for you to decide. I will only take the liberty to observe, that if they shall receive your acceptance of the proposition, some days' credit will still be to be given for producing the cash, and that this must be produced fifteen days before it is wanting, because that

much previous notice is always given to the creditors that their money is ready. It is, therefore, but three months from this day before your answer should be in Amsterdam. It might answer a useful purpose, also, could I receive a communication of that answer ten days earlier than they. The same stagnation attending our passage from the old to the new form of Government, which stops the feeble channel of money hitherto flowing towards our Treasury, has suspended also what foreign credit we had. So that at this moment we may consider the progress of our loan as stopped. Though much an enemy to the system of borrowing, yet I feel strongly the necessity of preserving the power to borrow. Without this we might be overwhelmed by another nation merely by the force of its credit. However, you can best judge whether the payment of a single year's interest on Stanitski's certificates in Europe instead of America may be more injurious to us than the shock of our credit in Amsterdam which may be produced by a failure to pay our interest.

I have only to offer any services which I can render in this business, either here or by going to Holland, at a moment's warning, if that should be necessary.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, March 2, 1788—Sunday.

Dear Sir,

I received, this day, a letter from Mrs. Adams, of the 26th ultimo, informing me you would set out, on the 29th, for the Hague. Our affairs at Amsterdam press on my mind like a mountain. I have no information to go on but that of Willinks and Van Staphorst, and according to that something seems necessary to be done. I am so anxious to confer with you on this subject, and to see you and them together, and get some effectual arrangement made in time, that I determine to meet you at the Hague. I will set out the moment some repairs are made to my carriage; it is promised me at three o'clock to-morrow; but probably they will make it night, and that I may not set out till Tuesday morning. In that case I shall

be at the Hague on Friday night; in the mean time you will perhaps have made all your bows there. I am sensible how irksome this must be to you in the moment of your departure. But it is a great interest of the United States which is at stake, and I am sure you will sacrifice to that your feelings and your interest. I hope to shake you by the hand, within twenty-four hours after you receive this; and in the mean time,

I am, with much esteem, &c.,

TH: JEFFERSON.

—o—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, June 9, 1788.

Dear Sir,

Since the date of my last, viz, the 16th ultimo, I have been honored with yours of the 13th and 16th March, with the papers which were enclosed in the last. They were immediately communicated to Congress, and the latter referred to a committee, who not having as yet reported, it is not in my power to say what Congress may probably think proper to do or order relative to the subject of it.

You will herewith receive two letters from Congress to his most Christian Majesty, together with copies of them for your information. You will also find enclosed copies from No. 1 to 20 inclusive, of papers respecting the claims of Francis Cazeau; which it is deemed expedient to transmit, in consequence of the information communicated in Mr. Short's letter to me of the 18th March last; copies of an act of Congress of the 2d June instant, respecting de la Landa and Fynje; and of an act of the 3d instant, forming Kentucky into an independent State, will likewise be enclosed.

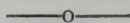
By the newspapers, herewith sent, you will perceive that South Carolina has adopted the proposed Constitution. The convention of this State will convene on Tuesday at Poughkeepsie; and as this city and county has elected me one of their deputies to it, I shall be absent from hence until it rises. There is reason to believe that the majority of this convention are decidedly opposed to the Constitution; so that whether they will venture to reject it, or whether they will adjourn and postpone a decision on it, is uncertain.

Accounts from Virginia and New Hampshire render it probable that those States will adopt it; and if so, it may be presumed that North Carolina, and even this State, will follow the example.

Being exceedingly engaged in despatching a variety of matters, preparatory to my going out of town, I must postpone the pleasure of writing to Mr. Short by this opportunity.

With great and sincere esteem and regard, I am, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO C. W. F. DUMAS.

Amsterdam, March 29, 1788.

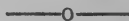
Sir,

I have now to acknowledge the receipt of your favors of the 14th, 15th, and 23d instant. I would have preferred doing it in person, but the season, and the desire of seeing what I have not yet seen, invite me to take the route of the Rhine. I shall leave this place to-morrow morning, and probably not reach Paris till the latter end of April. In the moment we were to have conferred on the subject of paying the arrears due to you, a letter of the 20th of February from the Board of Treasury was received, forbidding the application of money to any purpose (except our current claims) till the June interest should be actually in hand. Being by the letter tied up from giving an order in your favor, I return you the letter you had written to Mr. Jay, on the supposition that the order for your arrears was given. It has been suggested, however, that if you could receive bonds of the loan, you could make them answer your purpose, and the Commissioners say this would in no wise interfere with the views of the Treasury Board, nor the provision for the June interest. I have, therefore, recommended to them in writing to give you bonds to the amount of your balance, if you choose to take them rather than to wait. I wish this may answer your purpose. I remember that in the conversation which I had the honor of having with you on the evening I was at the Hague, you said that your enemies had endeavored to have it believed that Congress would abandon you, and withdraw your appointments. An enemy generally says and believes what he wishes, and your enemies, particularly, are not those who are most in the councils of

Congress, nor the best qualified to tell what Congress will do. From the evidences you have received of their approbation, and from their well known steadiness and justice, you must be assured of a continuance of their favor, were they to continue under the present form. Nor do I see anything in the new Government which threatens us with less firmness. The Senate, who will make and remove their foreign officers must, from its constitution, be a wise and steady body. Nor would a new Government begin its administration by discarding old servants, servants who have put all to the risk, and when the risk was great to obtain that freedom and security under which themselves will be what they shall be. Upon the whole, my dear sir, tranquillize yourself and your family on this subject. All the evidence which exists as yet authorizes you to do this, nor can I foresee any cause of disquiet in future.

That none may arise, that yourself and family may enjoy health, happiness, and the continued approbation of those by whom you wish most to be approved, is the sincere wish of him, who has the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO COMMISSIONERS OF THE TREASURY.

Amsterdam, March 29, 1788.

Gentlemen,

* * * * *

I cannot close my letter without some observations on the transfer of our domestic debt to foreigners. This circumstance, and the failure to pay off Fiseaux's loan, were the sole cause of the stagnation of our late loan. For otherwise, our credit would have stood on more hopeful grounds than heretofore. There was a condition in the last loan that the lenders furnishing one third of the money, the remaining two thirds of the bonds should remain eighteen months unsold, and at their option to take or not, and that in the meantime the same bankers should open no other loan for us. These same lenders became purchasers of our domestic debt, and they were disposed to avail themselves of the power they had thus acquired over us as to our foreign demands to make us pay the domestic one. Should the

present necessities have obliged you to comply with their proposition for the present year, I should be of opinion it ought to be the last instance. If the transfer of these debts to Europe meet with any encouragement from us, we can no more borrow money here, let our necessities be what they will. For who will give ninety-six per cent. for the foreign obligation of the same nation, whose domestic ones can be bought at the same market for fifty-five per cent.; the former, too, bearing an interest of only five per cent., while the latter yields six. If any discouragements can be honestly thrown on this transfer, it would seem advisable, in order to keep the domestic debt at home. It would be a very effectual one, if, instead of the title existing in our Treasury books alone, it was made to exist in loose papers as our loan office debts do. The European holder would then be obliged to risk the title paper of his capital as well as his interest, in the hand of his agent in America, whenever the interest was to be demanded; whereas, at present, he trusts him with the interest only. This single circumstance would put a total stop to all future sales of domestic debt at this market. Whether this or any other obstruction can or should be thrown in the way of these operations, is not for me to decide; but I have thought the subject worthy your consideration.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 4, 1788.

Sir,

I had the honor of addressing you in two letters of the 13th and 16th of March, from Amsterdam, and have since received Mr. Remsen's of February 20th. I staid at Amsterdam about ten or twelve days after the departure of Mr. Adams, in hopes of seeing the million of the last year filled up. This, however, could not be accomplished on the spot; but the prospect was so good as to have dissipated all fear; and since my return here I learn (not officially from our bankers, but through a good channel) that they have received over four hundred thousand florins since the date of the statement I sent you in my letter of March 16th, and I presume we need not

fear the completion of that loan, which shall provide for all our purposes of the year 1788, as stated in that paper. I hope, therefore, to receive from the Treasury orders in conformity thereto, that I may be able to proceed to the redemption of our captives. The provision for the purposes of the year 1789 and 1790, as stated in the same paper, will depend on the ratification by Congress of Mr. Adams's bonds of this year for another million of florins. But there arises a new call from this Government for its interest at least. Their silence hitherto has made it to be believed in general that they consented to the non-payment of our interest to them in order to accommodate us. You will perceive in the fifteenth and sixteenth pages of the *compte rendu*, which I have the honor to send you, that they call for the interest, and will publish it whether it be paid or not; and by number twenty-five, page eighty-one, that they count on its regular receipt for the purposes of the year. These calls for the first day of January, 1789 and 1790, will amount to about a million and a half of florins more, and, if to be raised by loan, it must be for two millions, as well to cover the expenses of the loan as that loans are not opened for fractions of millions. This publication seems to render a provision for this interest as necessary as for that of Amsterdam.

I had taken measures to have it believed at Algiers that our Government withdrew its attention from our captives there. This was to prepare their captors for the ransoming them at a reasonable price. I find, however, that Captain O'Bryen is apprized that I have received some authority on this subject. He writes me a cruel letter, supposing me the obstacle to their redemption. Their own interest requires that I should leave them to think thus hardly of me. Were the views of Government communicated to them they could not keep their own secret, and such a price would be demanded for them as Congress probably would think ought not to be given, lest it should be the cause of involving thousands of others of their citizens in the same condition. The moment I have money the business shall be set in motion.

By a letter from Joseph Chiappe, our agent at Mogadore, I am notified of a declaration of the Emperor of Morocco, that if the States General of the United Netherlands do not, before the month of May, send him an Ambassador to let him know whether it is war or peace between them, he will send one to them with five frigates, and that if their dispositions be unfavorable these frigates shall pro-

ceed to America to make prizes on the Dutch and to sell them there. It seems to depend on the Dutch, therefore, whether the Barbary Powers shall learn the way to our coast, and whether we shall have to decide the question of the legality of selling in our ports vessels taken from them.

I had informed you in a former letter of the declaration made by the Court of Spain to that of London, relative to its naval armament, and also of the declaration of the Count de Montmorin to the Russian Minister here on the same subject. I have good information that the Court of Spain has itself made a similar and formal declaration to the Minister of Russia at Madrid. So that Russia is satisfied she is not the object. I doubt whether the English are equally satisfied as to themselves. The season has hitherto prevented any remarkable operations between the Turks and the two Empires. The war, however, will probably go on, and the season now admits of more important events. The Empress has engaged Commodore Paul Jones in her service. He is to have the rank of Rear-Admiral with a separate command, and it is understood that he is in no case to be commanded. He will probably be opposed to the Captain Pacha on the Black Sea. He received this invitation at Copenhagen, and as the season for commencing the campaign was too near to admit time for him to ask and await the permission of Congress, he accepted the offer, only stipulating that he should be always free to return to the orders of Congress whenever called for, and that he should in no case be expected to bear arms against France. He conceived that the experience he should gain would enable him to be more useful to the United States, should they ever have occasion for him. It has been understood that Congress had had it in contemplation to give him the grade of Rear-Admiral from the date of the action of the *Serapis*, and it is supposed that such a mark of their approbation would have a favorable influence on his fortune in the North. Copies of the letters which passed between him and the Danish Minister are herewith transmitted. I shall immediately represent to Count Bernstorff that the demand for our prizes can have no connexion with a treaty of commerce; that there is no reason why the claims of our seamen should await so distant and uncertain an event, and press the settlement of this claim.

This country still pursues its line of peace. The Ministry seem now all united in it; some from a belief of their inability to carry

on a war, others from a desire to arrange their internal affairs and improve their constitution. The differences between the King and Parliament threaten a serious issue; many symptoms indicate that the Government has in contemplation some act of highhanded authority. An extra number of printers have for several days been employed, the apartment wherein they are at work being surrounded by a body of guards, who permit nobody to come out or go in. The commanders of the provinces, civil and military, have been ordered to be at their stations in a certain day of the ensuing week. They are accordingly gone, so that the will of the King is probably to be announced through the whole kingdom on the same day. The Parliament of Paris, apprehending that some innovation is to be attempted, which may take from them the opportunity of deciding on it after it shall be made known, came last night to the resolution of which I have the honor to enclose a manuscript copy. This you will perceive to be in effect a declaration of rights.

I am obliged to close here the present letter, lest I should miss the opportunity of conveying it by a passenger who is to call for it. Should the delay of the packet admit any continuation of these details, they shall be the subject of another letter to be forwarded by post.

The gazettes of Leyden and France accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

Translation.

Debt of the United States comprehended in the following charges:

1. A loan of eighteen million, reimbursable in twelve years, reckoning from 1787, at the rate of fifteen hundred thousand livres per annum, with interest at five per cent.
2. A loan of ten millions made in Holland, reimbursable in ten years, at the rate of one million per annum, reckoning from 1787, with interest at four per cent.
3. A loan of six millions, reimbursable in six years, at the rate of one million per annum, reckoning from 1787, with interest of five per cent.

Progression of the payment of arrearages and reimbursements of the capital.

Years of reimbursement.	Capitals of the three charges according to the fixed periods.	Interest of said capitals according to the fixed periods.	General total per annum.
	Livres.	Livres.	Livres.
1787.....	2,500,000	1,600,000	4,100,000
1788.....	2,500,000	1,485,000	3,985,000
1789.....	2,500,000	1,370,000	3,870,000
1790.....	2,500,000	1,255,000	3,755,000
1791.....	2,500,000	1,140,000	3,640,000
1792.....	2,500,000	1,025,000	3,525,000
1793.....	2,500,000	910,000	3,410,000
1794.....	2,500,000	795,000	3,295,000
1795.....	2,500,000	680,000	3,180,000
1796.....	2,500,000	565,000	3,065,000
1797.....	2,500,000	450,000	2,950,000
1798.....	2,500,000	325,000	2,825,000
1799.....	1,000,000	200,000	1,200,000
1800.....	1,000,000	150,000	1,150,000
1801.....	1,000,000	100,000	1,100,000
1802.....	1,000,000	50,000	1,050,000
Livres.....	34,000,000	12,100,000	46,100,000

Seen and verified by desire, and in execution of the *arrêt* of Council of the 15th February, 1788, by us, the commissaries appointed by the said *arrêt*, and acknowledged conformable to the contract passed between the King and the thirteen United States of North America, the 25th February, 1783.

At Paris, this 15th March, 1788.

SAINT AMAND,
BARON DE SALVERTE,
DIDELOT.

The first reimbursement was to have taken place in 1787; it has not yet been made. Until this was done it was thought proper only to carry into the receipts the interest of the advances made to the United States of America.

This interest amounts to one million six hundred thousand livres. Account will be annually rendered of what shall have been paid, as well in capital as interest.

	Objects of receipts.	Products.	Deductions	Net remains in the Royal Treasury.
No. 25	Debt of the U. S. of America,	1,600,000		

FROM JOHN PAUL JONES TO COUNT DE BERNSTORFF.

Copenhagen, March 24, 1788.

Sir,

From the act* of Congress I had the honor to shew your Excellency the 24th of this month, as well as from the conversation which followed, you must be convinced that circumstances do not permit me to remain here; but that I am under a necessity either to return to France or proceed to Russia. As the Minister of the United States at Paris gave me the perusal of the packet he wrote by me, and which I had the honor to present to you on my arrival here, it is needless to go into any detail on the object of my mission to this Court, which Mr. Jefferson has particularly explained. The promise you have given me of a prompt and explicit decision from this Court on the act of Congress of the 25th October last, inspires me with full confidence. I have been very particular in communicating to the United States all the polite attentions with which I have been honored at this Court; and they will learn with great pleasure the kind reception I had from you. I felicitate myself on being the instrument to settle the delicate national business in question with a Minister who conciliates the views of a wise statesman with the noble sentiments and cultivated mind of the true philosopher and man of letters.

I have the honor to be, &c.,

PAUL JONES.

FROM JOHN PAUL JONES TO COUNT DE BERNSTORFF.

Copenhagen, March 30, 1788.

Sir,

Your silence on the subject of my mission from the United States to this Court leaves me in the most painful suspense, the more so, as I have made your Excellency acquainted with the promise I am under to proceed, as soon as possible, to St. Petersburg. This being the ninth year since the three prizes reclaimed by the United States were seized upon in the port of Bergen, in Norway, it is to be presumed that this Court has long since taken an ultimate resolution respecting the compensation demanded by Congress.

* An act presenting him with a gold medal.

Though I am extremely sensible of the favorable reception with which I have been distinguished at this Court, and am particularly flattered by the polite attention with which you have honored me at every conference, yet I have remarked with great concern that you have never led the conversation to the object of my mission here. A man of your liberal sentiments will not, therefore, be surprised or offended at my plain dealing when I repeat that I impatiently expect a prompt and categorical answer in writing from this Court to the act of Congress of the 25th of October last. Both my duty and the circumstances of my situation constrain me to make this demand in the name of my sovereign, the United States. But I beseech you to believe that though I am extremely tenacious of the honor of the American flag, yet my personal interest in the decision I now ask would never have induced me to present myself at this Court. You are too just, sir, to delay my business here, which would put me under the necessity to break the promise I have made to her Imperial Majesty, conformable to your advice.

I have the honor to be, &c.,

PAUL JONES.

FROM JOHN PAUL JONES TO THE COUNT DE BERNSTORFF.

Copenhagen, April 5, 1788.

Sir,

I pray your Excellency to inform me when I can have the honor to wait on you, to receive the letter you have been kind enough to promise to write to me in answer to the act of Congress of 25th October last. As you have told me that my want of Plenipotentiary powers to terminate *ultimately* the business now on the carpet between this Court and the United States, has determined you to authorize the Baron de Blome to negotiate and settle the same with Mr. Jefferson at Paris, and to conclude at the same time an advantageous treaty of commerce between Denmark and the United States, my business here will, of course, be at an end when I shall have received your letter, and paid you my thanks in person for the very polite attentions with which you have honored me.

I have the honor to be, &c.,

PAUL JONES.

N. B. After the above letter had been delivered to the Minister, the subsequent answer was received from his Excellency.

FROM THE COUNT DE BERNSTORFF TO JOHN PAUL JONES.

Translation.

Sir,

You have requested me to answer the letter which you did me the honor to deliver on the part of Mr. Jefferson, Minister Plenipotentiary of the United States to his most Christian Majesty. I do this with so much the more pleasure, inasmuch as you have inspired me with confidence and an equal regard for your interest, and as this opportunity appears very fortunate and favorable to deliver the sentiments of the King, my master, concerning certain points which we consider as very important. Nothing can be more distant from the plan and wishes of his Majesty than the intentions of abandoning a negotiation, which has only been suspended by a train of circumstances naturally brought on through the necessity of allowing a new situation to be matured, of obtaining information concerning reciprocal interests, and of avoiding the inconveniences of a precipitate and imperfect arrangement. I am authorized, sir, to give you and through you to Mr. Jefferson, the King's word that his Majesty will renew the negotiation for a treaty of amity and commerce, and that in the forms already agreed on, as soon as the new Constitution (that admirable plan so becoming the wisdom of the most enlightened men) shall be adopted by a State which requires nothing but that to secure it perfect respect.

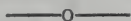
If it has not been possible, sir, to discuss with you definitively, neither the principal nor secondary objects, the idea of eluding the question or delaying the decision was the last reason. I have already had the honor of informing you in our conversation, that a want of full powers from Congress themselves occasion a natural and invincible objection. It would, moreover, be improper and contrary to all received usages to change the place of a negotiation which, without being broken, has only been suspended, and to transfer it from Paris to Copenhagen.

I have but one request to make you, sir, which is that you will be pleased to become the interpreter of our sentiments respecting the United States of America. It would be very agreeable to me to hope that which I have said to you on this subject has carried with it that conviction which the truth of what I have advanced merits. We ardently desire to form with them a solid and useful connexion;

we wish to establish it on a natural and a certain basis. The momentary clouds, the uncertainty which the misfortune of the times brought with them no longer exist. They are no more to be recollected; but as they may serve to show more sensibly the blessings of a more happy epoch, and to testify an eagerness of evincing the most proper dispositions to reunite and procure reciprocally those advantages which a sincere alliance may afford, and of which the two countries are susceptible. These are the dispositions which I can promise you, sir, on our part; we flatter ourselves to find them the same in America, when nothing shall retard the conclusion of an arrangement which I wish to consider as already far advanced.

Allow me to repeat again the assurances of the perfect and distinguished respect with which I have the honor to be, &c.,

BERNSTORFF.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 23, 1788.

Sir,

When I wrote my letter of the 4th instant, I had no reason to doubt that a packet would have sailed on the 10th, according to the established order. The passengers had all, except one, gone down to Havre in this expectation. None, however, has sailed, and perhaps none will sail, as I think the suppression of the packets is one of the economies in contemplation. An American merchant, concerned in the commerce of whale oil, proposes to Government to despatch his ships from Havre and Boston, at stated periods, and to take on board the French courier and mail; and the proposition has been well enough received. I avail myself of a merchant vessel going from Havre to write the present.

In my letter of the 4th, I stated to you the symptoms which indicated that Government had some great stroke of authority in contemplation. That night they sent guards to seize M. d'Epremesnil and M. Goisard, two members of Parliament, in their houses. They escaped, and took refuge in the Palais, (or Parliament House,) the Parliament assembled itself extraordinarily, summoned the Dukes and Peers especially, and came to the resolution of the 5th, which they sent to Versailles by deputies, determined not to leave the palace until they received an answer. In the course of that night, a

battalion of guards surrounded the house, the two members were taken by the officer from among their fellows, and sent off to prison, the one to Lyons, the other, (d'Epremesnil,) the most obnoxious, to an island in the Mediterranean. The Parliament then separated. On the 8th, a bed of justice was held at Versailles, wherein were enregistered the six ordinances which had been passed in council on the 1st of May, and which I now send you. They were, in like manner, registered in beds of justice, on the same day, nearly in all the Parliaments of the Kingdom. By these ordinances, 1st, the criminal law is reformed, by abolishing examination on the *sellette*, which, like our holding up the hand at the bar, remained a stigma on the party, though innocent; by substituting an oath instead of torture, on the *question préalable*, which is used after condemnation, to make the prisoner discover his accomplices; (the torture abolished in 1780 was on the *question préparatoire*, previous to judgment, in order to make the prisoner accuse himself;) by allowing counsel to the prisoner for his defence, obliging the judges to specify, in their judgments, the offence for which they are condemned, and respiting execution a month, except in the case of sedition. This reformation is unquestionably good, and within the ordinary legislative powers of the Crown. That it should remain to be made at this day, proves that the Monarch is the last person in his Kingdom who yields to the progress of philanthropy and civilization. 2d. The organization of the whole judiciary department is changed by the institution of subordinate jurisdiction, the taking from the Parliaments the cognizance of all causes of less value than twenty thousand livres, reducing the numbers to about a fourth, and suppressing a number of special courts. Even this would be a great improvement, if it did not imply that the King is the only person in the nation who has any rights or any power. 3d. The right of registering the laws is taken from the Parliament and transferred to a plenary court created by the King. This last is the measure most obnoxious to all persons. Though the members are to be for life, yet the great proportion of them are from descriptions of men always candidates for the royal favor in other lines. As yet the general consternation is not yet sufficiently passed over to say whether the matter will end here. I send you some papers, which indicate symptoms of resistance. These are the resolution of the *Noblesse* of Brittany, the declaration of the Advocate General of Provence, which is said to express the spirit of that

province, and the *arrêt* of the Chatelet, which is the hustings court of the city of Paris. Their refusal to act under the new character assigned them, and the suspension of their principal functions, is very embarrassing. The clamors this will excite, and the disorders it may admit, will be loud and near to the royal ear and person. The parliamentary fragments permitted to remain have already, some of them, refused, and probably all will refuse, to act under that form. The Assembly of the Clergy, which happens to be sitting, have addressed the King to call the States General immediately. Of the Dukes and Peers, (thirty-eight in number,) nearly half are either minors or superannuated; two thirds of the acting half seem disposed to avoid taking a part; the rest, about eight or nine, have refused, by letters to the King, to act in the new Courts. A proposition, executed among the Dukes and Peers, to assemble and address the King for a modification of the plenary court, seems to show that the Government would be willing to compromise on that head. It has been prevented by the Dukes and Peers in opposition, because they suppose that no modification to be made by the Government will give to that body the form they desire, which is that of a representation of the nation. They will aim, therefore, at an immediate call of the States General. They foresee that if the Government is forced to this, they will call them as nearly as they can, in the ancient forms, in which case less good will be expected from them. But they hope they may be got to concur in a declaration of rights, at least; so that the nation may be acknowledged to have some fundamental rights not alterable by their ordinary Legislature, and that this may form a ground-work for future improvements. These seem to be the views of the most enlightened and disinterested characters of the opposition. But they may be frustrated by the nations making no say at all, or by a hasty and premature appeal to arms. There is neither head nor body in the nation to promise a successful opposition to two hundred thousand regular troops. Some think the army could not be depended on by the Government; but the breaking men to military discipline is breaking their spirits to principles of passive obedience. A firm but quiet opposition will be most likely to succeed. Whatever turn this crisis takes, a revolution in their Constitution seems inevitable, unless foreign war supervene to suspend the present contest; and a foreign war they will avoid if possible, from an inability to get money. The loan of one hundred

and twenty millions of the present year is filled up by such subscriptions as may be relied on. But that of eighty millions, proposed for the next year, cannot be filled up in the actual situation of things.

The Austrians have been successful in an attack upon Schabatz, intended as a preliminary to that of Belgrane. In that on Dubitzza, another town in the neighborhood of Belgrade, they have been repulsed, and as is suspected, with considerable loss. It is still supposed the Russian fleet will go into the Mediterranean, though it will be much retarded by the refusal of the English Government to permit its sailors to engage in the voyage. Sweden and Denmark are arming from eight to twelve ships of the line each. The English and Dutch treaty you will find in the Leyden gazettes of May 9th and 13th; that between England and Prussia is supposed to be stationary. Monsieur de St. Priest, the Ambassador from this Court to the Hague, is either gone or on the point of going. The Emperor of Morocco has declared war against England. I enclose you his orders in our favor on that occasion. England sends a squadron to the Mediterranean for the protection of her commerce, and she is reënforcing her possessions in the two Indies. France is expecting the arrival of an embassy from Tippu Saib, is sending some regiments to the East Indies, and a fleet of evolution into the Atlantic. Seven ships of the line, and several frigates, sailed from Cadiz on the 22d April, destined to perform evolutions off the Western Islands, as the Spaniards say, but really to their American possessions, as is suspected. Thus the several Powers are, by little and little, taking the position of war, without any immediate intention of waging it. But that the present ill humor will finally end in war, is doubted by no body.

In my letter of February 5th I had the honor of informing you of the discontent produced by our *arrêt* of December 29th among the merchants of this country, and the deputations from the Chambers of Commerce to the Minister on that subject. The articles attacked were the privileges on the sale of our ships and the *entrepôt* for cod-fish. The former I knew to be valuable; the latter I supposed not so, because during the whole of the time we have had four free ports in this kingdom we have never used them for the smuggling of fish. I concluded, therefore, the ports of *entrepôt* would not be used for that purpose. I saw the Minister would sacrifice something to quiet the merchants, and was glad to save the valuable article relative to

our ships by abandoning the useless one for our cod-fish. It was settled, therefore, in our conferences that an *arrêt* should be passed abridging the former one only as to the *entrepôt* of cod-fish. I was in Holland when the *arrêt* came out, and did not get a copy of it till yesterday. Surprised to find that fish oil was thereby excluded from the *entrepôt*, I have been to-day to make some inquiry into the cause; and from what I can learn I conclude it must have been a mere error in the clerk who framed the *arrêt*, and it escaped attention on its passage. The *entrepôt* of whale oil was not objected to by a single deputy at the conferences, and the excluding it is contrary to the spirit of encouragement the Ministers have shown a disposition to give. I trust, therefore, I may get it altered on the first occasion which occurs, and I believe one will soon occur. In the meantime we do not store a single drop for reëxportation, as all which comes here is needed for the consumption of this country, which will alone, according to appearances, become so considerable as to require all we can produce.

By a letter of the 8th instant from our bankers, I learn that they had disposed of bonds enough to pay our June interest, and to replace the temporary advances made by M. Grand, and from a fund placed here by the State of Virginia. I have desired them accordingly to replace these moneys, which had been lent for the moment only, and in confidence of immediate repayment. They add that the payment of the June interest and the news from America will, as they trust, enable them to place the remaining bonds of the last year's million. I suppose, indeed, that there is no doubt of it, and that none would have been expressed if those two houses could draw better together than they do. In the meantime I hope the Treasury Board will send an order for as much as may be necessary for executing the purpose of Congress as to our captives at Algiers.

I send you herewith a memorial of Monsieur Caseaux, whose name is familiar on the Journals of Congress. He prepared it to be delivered to the King, but I believe he will think better, and not deliver it.

The gazettes of France and Leyden accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. May 27th, 1788. I have kept my letter open to the moment of Mr. Warville's departure (he being the bearer of it) that

I might add any new incidents that should occur. The refusal of the *Chatelet* and *Grande Chambre* of Paris, to act in the new character assigned them, continued. Many of the *Grandes Bailliages* accept, some conditionally, some fully. This will facilitate greatly the measures of Government, and may possibly give them a favorable issue. The Parliament of Thoulouse, considering the edicts as nullities, went on with their business. They have been exiled in consequence. Monsieur de St. Priest left Paris for the Hague on the 23d. I mention this fact because it denotes the acquiescence of this Government in the late revolution there. A second division of the Spanish fleet will put to sea soon, its destination not declared. Sweden is arming to a greater extent than was at first supposed. From twelve to sixteen sail of the line are spoken of on good grounds. Denmark, for her own security, must arm in proportion to this.

T. J.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

(Private.)

Paris, May 27, 1788.

Sir,

The change which is likely to take place in the form of our Government, seems to render it proper that during the existence of the present Government, an article should be mentioned which concerns me personally. Uncertain, however, how far Congress may have decided to do business when so near the close of their administration; less capable than those on the spot of foreseeing the character of the new Government, and not fully confiding in my own judgment where it is so liable to be seduced by feeling, I take the liberty of asking your friendly counsel, and that of my friend Mr. Madison, and of referring the matter to your judgments and discretion.

Mr. Barclay, when in Europe, was authorized to settle all the European accounts of the United States. He settled those of Doctor Franklin and Mr. Adams, and it was intended between us that he should settle mine. But as what may be done at any time is often put off to the last, this settlement had been made to give way to others, and that of Beaumarchais being pressed on Mr. Barclay before his departure for Morocco, and having long retarded his

departure, it was agreed that my affair should await his return from that mission. You know the circumstances which prevented his return to Paris after that mission was finished. My account is, therefore, unsettled; but I have no anxiety on any article of it except one; that is the outfit. This consists of: 1, clothes; 2, carriage and horses; 3, household furniture.

When Congress made their first appointments of Ministers to be resident in Europe, I have understood (for I was not then in Congress) that they allowed them all their expenses, and a fixed sum over and above for their time. Among their expenses was necessarily understood their outfit. Afterwards they thought proper to give them fixed salaries of eleven thousand one hundred and eleven dollars and one ninth a year. And again, by a resolution of May 6th and 8th, 1784, the salaries of their Ministers at foreign Courts were reduced to nine thousand dollars, to take place on the first of August ensuing. On the 7th of May I was appointed, in addition to Mr. Adams and Doctor Franklin, for the negotiation of treaties of commerce; but the appointment being temporary, for two years only, and not as of a resident Minister, the article of outfit did not come into question. I asked an advance of six months' salary that I might be in cash to meet the first expenses, which was ordered. The year following I was appointed to succeed Doctor Franklin at this Court. This was the first appointment of a Minister resident since the original ones, under which all expenses were to be paid. So much of the ancient regulation as respected *annual expenses*, had been altered to a sum certain; so much of it as respected *first expenses or outfit* remained unaltered; and I might, therefore, expect that the actual expenses for outfit were to be paid. When I prepared my account for settlement with Mr. Barclay, I began a detail of the articles of clothes, carriage, horses, and household furniture. I found that they were numerous, minute, and incapable, from their nature, of being vouched; and often entered into my memorandum book under a general head only, so that I could not specify them. I found they would exceed a year's salary. Supposing, therefore, that mine being the first case, Congress would make a precedent of it, and prefer a sum fixed for the outfit as well as the salary, I have charged it in my account at a year's salary, presuming there can be no question that an outfit is a reasonable charge. It is a usage here (and I suppose at all Courts) that a Minister resident shall establish

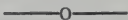
his house in the first instant. If this is to be done out of his salary, he will be a twelvemonth at least without a copper to live on. It is the universal practice, therefore, of all nations to allow the outfit as a separate article from the salary. I have inquired here into the usual amount of it. I find that sometimes the sovereign pays the actual cost. This is particularly the case of the Sardinian Ambassador now coming here, who is to provide a service of plate, and every article of furniture, and other matters of first expense to be paid for by his Court. In other instances, they give a service of plate and a fixed sum for all other articles, which fixed sum is in no case lower than a year's salary.

I desire no service of plate, having no ambition for splendor. My furniture, carriage, and apparel, are all plain, yet they have cost me more than a year's salary. I suppose that in every country, and in every condition of life, a year's expense would be found a moderate measure for the furniture of a man's house. It is not more certain to me that the sun will rise to-morrow, than that our Government must allow the outfit on their future appointment of foreign Ministers; and it would be hard on me to stand between the discontinuance of a former rule, and institution of a future one as to have the benefit of neither. I know I have so long known the character of our Federal head, in its present form, that I have the most unlimited confidence in the justice of its decisions. I think I am so far known to many of the present Congress, as that I may be cleared of all views of making money out of any public employment, or of desiring any thing beyond actual and decent expenses, proportioned to the station in which they have been pleased to place me, and to the respect they would wish to see attached to it. It would seem right that they should decide the claims of those who have acted under their administration, and their pretermission of any article might amount to a disallowance of it, in the opinion of the new Government. It would be painful to me to meet that Government with a claim under this kind of cloud, and to pass it in review before their several houses of legislation and boards of administration to whom I shall be unknown; and being for money actually expended, it would be too inconvenient to me to relinquish it in silence. I anxiously ask it, therefore, to be decided on by Congress before they go out of office, if it be not out of the line of proceeding they may have chalked out for themselves. If it be against their inclination to determine it, would it be agreeable

to them to refer it to the new Government by some resolution, which should shew they have not meant to disallow it by passing it over? Not knowing the circumstances under which Congress may exist, and act at the moment you shall receive this, I am unable to judge what should be done on this subject. It is, therefore, that I ask the aid of your friendship and that of Mr. Madison, that you will do for me in this regard what you think it is right should be done, and what it would be right for me to do were I on the spot, or were I apprized of all existing circumstances. Indeed, were you two to think my claim an improper one, I would wish it to be suppressed, as I have so much confidence in your judgment that I should suspect my own in any case where it varied from yours, and more especially in one where it is liable to be warped by feelings.

Give me leave, then, to ask your consultation with Mr. Madison on this subject, and to assure you that whatever you are so good as to do herein will be perfectly approved, and considered as a great obligation conferred on him, who has the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, May 27, 1788.

Dear Sir,

Your favors of April the 14th and 29th, and May the 8th, have lately come to hand. That of January the 29th, by M. de Molinedo, had been left here during my absence on a journey to Amsterdam. That gentleman had gone, as I presume, before my return, from my being unable to learn anything of him.

* * * * *

With respect to the Isthmus of Panama, I am assured by Burgoin (who would not choose to be named, however) that a survey was made, that a canal appeared very practicable, and that the idea was suppressed for political reasons altogether. He has seen, and minutely examined, the report. This report is to me a vast desideratum, for reasons political and philosophical. I cannot help suspecting the Spanish squadron to be gone to South America, and that some disturbances have been excited there by the British. The Court of Madrid may suppose we would not see this with an unwilling eye. This may be true as to the uninformed part of our people;

but those who look into futurity farther than the present moment or age, and who combine well what is with what is to be, must see that our interests, well understood, and our wishes are that Spain shall (not forever, but very long) retain her possessions in that quarter; and that her views and ours must, in a good degree, and for a long time, concur. It is said in our gazettes that the Spaniards have sunk one of our boats on the Mississippi, and that our people retaliated on one of theirs. But my letters not mentioning the fact, have made me hope it is not true, in which hope your letter confirms me. There are now one hundred thousand inhabitants in Kentucky. They have accepted the offer of independence, on the terms proposed by Virginia, and they have decided that their independent government shall begin on the first day of the next year. In the mean time, they claim admittance into Congress. Georgia has ceded her western territory to the United States, to take place with the commencement of the new Federal Government. I do not know the boundaries. There has been some dispute of etiquette with the new French Minister, which has disgusted him.

* * * * *

The following is a state of the progress and prospects of the new plan of Government.

The conduct of Massachusetts has been noble. She accepted the Constitution, but voted that it should stand as a perpetual instruction to her delegates to endeavor to obtain such and such reformati^ons; and the minority, though very strong both in numbers and abilities, declared *viritim* and *seriatim*, that acknowledging the principle that the majority must give the law, they would now support the new Constitution with their tongues, and with their blood, if necessary. I was much pleased with many and essential parts of this instrument from the beginning. But I thought I saw in it many faults, great and small. What I have read and reflected has brought me over from several of my objections of the first moment, and to acquiesce under some others. Two only remain of essential consideration, to wit: the want of a bill of rights, and the expunging the principle of necessary rotation in the offices of President and Senator. At first, I wished that when nine States should have accepted the Constitution, so as to ensure us what is good in it, the other four might hold off till the want of the bill of rights, at least, might be supplied. But I am now convinced that the plan of Massachusetts is the best; that

is, to accept, and to amend afterwards. If the States which were to decide after her should all do the same, it is impossible but that they must obtain the essential amendments. It will be more difficult, if we lose this instrument, to recover what is good in it than to correct what is bad after we shall have adopted it. It has, therefore, my hearty prayers, and I await with anxiety for news of the votes of Maryland, South Carolina, and Virginia. There is no doubt that General Washington will accept the Presidentship, though he is silent on the subject. He would not be chosen to the Virginia convention.

A riot has taken place in New York, which I will state to you from an eye witness. It has long been a practice with the surgeons of that city to steal from the grave bodies recently buried. A citizen had lost his wife. He went the first or second evening after her burial to pay a visit to her grave. He found that it had been disturbed, and suspected from what quarter. He found means to be admitted to the anatomical lecture of that day, and on his entering the room, saw the body of his wife, naked and under dissection. He raised the people immediately. The body, in the mean time, was secreted. They entered into and searched the houses of the physicians whom they most suspected, but found nothing. One of them, however, more guilty and more timid than the rest, took asylum in the prison. The mob considered this an acknowledgment of guilt. They attacked the prison. The Governor ordered the militia to protect the culprits and suppress the mob. The militia, thinking the mob had just provocation, refused to turn out. Hereupon, the people of more reflection, thinking it more dangerous that even a guilty person should be punished without the form of law, than that he should escape, armed themselves, and went to protect the physician. They were received by the mob with a volley of stones, which wounded several of them. They hereupon fired on the mob, and killed four. By this time they received a reinforcement of other citizens of the militia horse, the appearance of which, in the critical moment, dispersed the mob. So ended this chapter of history which I have detailed to you, because it may be represented as a political riot, when politics had nothing to do with it. Mr. Jay and Baron Steuben were both grievously wounded in the head by stones. The former still kept his bed, and the latter his room, when the packet sailed, which was the 24th of April.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 30, 1788.

Sir,

A further delay of Mr. Warville enables me to acknowledge the receipt of your letter of April 24th, by Mr. Paradise. Nothing new has occurred since the date of my other letters, which go by this conveyance, except that about one third of the *Baillages* have accepted their appointments. If the others pretty generally should do the same, and the *Chatelet* be brought over, it will place Government pretty much at their ease, to pursue their other views of change. The only symptoms of violence which have appeared have been in Brittany, Provence, and Languedoc.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, September 23, 1788.

Dear Sir,

My last to you was dated the 9th June, since which I have been honored with yours of the 4th, 23d, and 30th May last, which, with the papers that accompanied them, were communicated to Congress.

Two copies of the ratification of Mr. Adams's last contract have been transmitted to you, under cover to Messrs. Willinks and Van Staphorst, by vessels bound to Amsterdam. A triplicate will be enclosed with this, together with the following papers, viz: The requisition of Congress for the present year, passed the 25th of last month; a copy of an act of the 13th instant, enabling you to provide for the subsistence of the American captives at Algiers, and approving of your supplementary instruction to Mr. Lamb on that head; a copy of an act of the same date, for putting the Constitution into operation, and also the printed journals necessary to complete your set, and a parcel of the latest newspapers.

These despatches will go from Boston in a vessel bound from thence to France. How far this conveyance may be a safe one, I am not well informed. I nevertheless think it best to postpone details for the present, as well as the private letter, which you have reason to expect from me on the subject, you also hinted to Mr.

Madison, with whom I have conferred respecting it. There is a reluctance in some to adopt the idea it suggests, and I apprehend that others will prefer delay to a decision upon it.

With very sincere esteem, &c.,

JOHN JAY.

—o—

FROM THOMAS JEFFERSON TO THE COMTE DE BERNSTORFF.

Paris, June 19, 1788.

I had the honor of addressing your Excellency, by Admiral Paul Jones, on the 21st of January, on the subject of the prizes taken under his command during the late war and sent into Bergen. I communicated, at the same time, a copy of the powers which the Congress of the United States of America had been pleased to confide to me therein, having previously shewn the original to the Baron de Blome, Envoy Extraordinary of his Majesty the King of Denmark, at their Court, and I furnished, at the same time, to Admiral Paul Jones, such authority as I was empowered to delegate for the arrangement of this affair. That officer has transmitted me a copy of your Excellency's letter to him, after the 4th of April, wherein you are pleased to observe that the want of full powers on his part was an invincible obstacle to the definite discussion of this claim with him, and to express your dispositions to institute a settlement at this place. Always assured of the justice and honor of the Court of Denmark, and encouraged by the particular readiness of your Excellency to settle and remove this difficulty from between the two nations, I take the liberty of recalling your attention to it. The place of negotiation proposed by your Excellency meets no objection from us, and it removes, at the same time, that which the want of full powers in Admiral Paul Jones had produced in your own mind. These full powers Congress has been pleased to honor me with. The arrangement taken between the person to be charged with your full powers and myself, will be final and conclusive. You are pleased to express a willingness to treat, at the same time, on the subjects of amity and commerce. The powers formerly communicated on our part were given to Mr. Adams, Doctor Franklin, and myself, for a limited term only. That term has expired, and the other two gentlemen returned to America; so that no person is commissioned, at this moment, to renew those conferences. I may safely, however, assure your Excellency that the same friendly dispositions still continue, and the same desire of facilitating and

encouraging a commerce between the two nations which produced the former appointment. But our nation is, at this time, proposing a change in the organization of its Government. For this change to be agreed to by all the members of the Union, the new administration chosen and brought into activity, their domestic matters arranged, which will require their first attention, their foreign system afterwards decided on, and carried into full execution, will require a very considerable length of time. To place under the same delay the private claims which I have the honor to present to your Excellency, would be hard on the persons interested; because these claims have no connexion with the system of commercial connexion which may be established between the two nations, nor with the particular form of our administration. The justice due to them is complete, and the present administration as competent to final settlement as any future one will be, should a future change take place. These individuals have already lingered nine years in expectation of their hard and perilous earnings. Time lessens their numbers continually, disperses their representatives, weakens the evidence of their right, and renders more and more impracticable his Majesty's dispositions to repair the private injury to which public circumstances constrained him. These considerations, the just and honorable intentions of your Excellency, and the assurances you give us in your letter, that no delay is wished on your part, give me strong hopes that we may speedily obtain that final arrangement which express instructions render it my duty to urge. I have the honor, therefore, of agreeing with your Excellency, that the settlement of this matter, formerly begun at Paris, shall be continued there; and to ask that you will be pleased to give powers and instructions for this purpose, to such persons as you shall think proper, and in such full form as may prevent those delays to which the distance between Copenhagen and Paris might otherwise expose us.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO THE COUNT DE MONTMORIN.

Paris, June 20, 1788.

Sir,

Having had the honor of mentioning to your Excellency the wish of Congress that certain changes should be made in the articles

for a Consular convention, which had been sent to them, I have now that, conformably to the desire you expressed, of giving a general idea of the alterations to be proposed.

The fourth article gives to the Consuls the immunities of the law of nations. It has been understood, however, that the laws of France do not admit of this; and that it might be desirable to expunge this article. In this we are ready to concur, as in every other case where an article might call for changes in the established laws, either inconvenient or disagreeable.

After establishing in favor of Consuls the general immunities of the law of nations, one consequence of which would have been that they could not have been called upon to give testimony in courts of justice, the 5th article requires, that after the observance of certain formalities, which imply very high respect, they shall make a declaration, *but in their own houses* [*Chez eux*] as may be pretended, if not justly inferred, from the expressions in the article. But our laws require, indispensably, a personal examination of witnesses in the presence of the parties, of their counsel, the jury and judges, each of whom has a right to ask of them all questions pertinent to the fact. The first and highest officers of our Government are obliged to appear personally to the order of a court to give evidence. The court takes care that they are treated with respect. It is proposed, therefore, to omit this article for these particular reasons, as well as for the general one, that the fourth being expunged, this, which was but an exception to that, falls of course.

The 7th, 8th, 10th, and 14th articles extend their preëminences far beyond those which the laws of nations would have given. These articles require that the declarations made in the presence of Consuls and certified by them, shall be received in evidence in all courts whatever; and in some instances give to their certificates a credibility which excludes all other testimony. The cases are rare in which our courts admit written evidence of facts; and such evidence, when admitted, must have been in the presence of both parties, and must contain the answers to all the pertinent questions which they may have desired to ask of the witness; and to no evidence, of whatever nature, written or not, do our laws give so high credit as to exclude all counter proof. These principles are of such ancient foundation in our system of jurisprudence, and are so much valued and venerated by our citizens, that perhaps it would be impossible to execute articles

which should contravene them; nor is it imagined that these stipulations can be so interesting to this country as to balance the inconvenience and hazard of such an innovation with us. Perhaps it might be found that the laws of both countries require a modification of this article, as it is inconceivable that the certificate of an American Consul in France could be permitted by one of its courts to establish a fact the falsehood of which should be notorious to the court itself.

The 8th article gives to the Consuls of either nation a jurisdiction in certain cases over foreigners of any other. On a dispute arising in France between an American and a Spaniard or an Englishman, it would not be fair to abandon the Spaniard or Englishman to an American Consul. On the contrary, the territorial judge, as neutral, would seem to be the most impartial. Probably, therefore, it will be thought convenient for both parties to correct this stipulation.

A dispute arising between two subjects of France, the one being in France and the other in the United States, the regular tribunals of France would seem entitled to a preference of jurisdiction; yet the 12th article gives it to their Consul in America, and to a Consul of the United States in France in like case between their citizens.

The power given by the 10th article, of arresting and sending back a vessel, its captain and crew, is a very great one, indeed, and in our opinion more safely lodged with the territorial judge. We would ourselves trust the tribunals of France to decide when there is just cause for so highhanded an act of authority over the persons and property of so many of our citizens, to all of whom these tribunals will stand in a neutral and impartial relation, rather than any single person whom we may appoint as Consul, who will seldom be learned in the laws, and often susceptible of influence from private interest and personal pique. With us, applications for the arrest of vessels and of their masters, are made to the Admiralty courts. These are composed of the most learned and virtuous characters in the several States, and the maritime law, common to all nations, is the rule of their proceedings. The exercise of foreign jurisdiction within the pale of their own laws, in a very high case, and wherein those laws have made honorable provisions, would be a phenomenon never yet seen in our country, and which would be seen with great jealousy and uneasiness. On the contrary, to leave this power with the territorial judge will inspire confidence and friendship, and be eally, at the same time, more secure against abuse. The power of

arresting deserted seamen seems necessary for the purposes of navigation and commerce, and will be more attentively and effectually exercised by the Consul than by the territorial judge. To this part of the 10th article, therefore, as well as to that which requires the territorial judge to assist the Consul in the exercise of this function, we can accede. But the extension of the like power to passengers seems not necessary for the purposes either of navigation or commerce. It does not come, therefore, within the functions of the Consuls, whose institution is for those two objects only; nor within the powers of a commissioner authorized to treat and conclude a convention solely for regulating the powers, privileges, and duties of Consuls. The arrest and detention of passengers, moreover, would often be in contradiction to our bills of rights, which, being fundamental, cannot be obstructed in their operation by any law or convention whatever.

Consular institutions being entirely new with us, Congress think it wise to make their first convention probationary, and not perpetual. They propose, therefore, a clause for limiting its duration to a certain term of years: If, after the experience of a few years, it should be found to answer the purposes intended by it, both parties will have sufficient inducements to renew it, either in its present form or with such alterations and amendments as time, experience, and other circumstances may indicate.

The convention, as expressed in the French language, will fully answer our purposes in France, because it will there be understood. But it will not equally answer the purposes of France in America, because it will not there be understood. In very few of the courts wherein it may be presented will there be found a single judge or advocate capable of translating it at all, much less of giving to all its terms, legal and technical, their exact equivalent in the law and language of that country. Should any translation which Congress would undertake to publish for the use of our courts, be conceived, on any occasion, not to render fully the idea of the French original, it might be imputed as an indirect attempt to abridge or extend the terms of a contract at the will of one party only. At no place are there better helps than here for establishing an English text equivalent to the French in all its phrases. No persons can be supposed to know what is meant by these phrases better than those who form them, and no time more proper to ascertain their meaning in both

languages than that at which they are formed. I have, therefore, the honor to propose that the convention shall be faithfully expressed in English as well as in French, in two columns, side by side; that these columns be declared, each of them, to be the text, and to be equally original and authentic in all courts of justice.

This, sir, is a general sketch of the alterations which our laws and our manner of thinking render necessary in this Convention, before the faith of our country is engaged for its execution. Some of its articles, in its present form, could not be executed at all, and others would produce embarrassments and ill humor, to which it would not be prudent for our Government to commit itself. Inexact execution on the one part would naturally beget dissatisfaction and complaints on the other; and an instrument intended to strengthen our connexion might thus become the means of loosening it. Fewer articles, better observed, will better promote our common interests. As to ourselves, we do not find the institution of Consuls very necessary. Its history commenced in times of barbarism, and might well have ended with them. During these they were perhaps useful, and may still be so in countries not yet emerged from that condition. But all civilized nations at this day understand so well the advantages of commerce, that they provide protection and encouragement for merchants, strangers, and vessels coming among them. So extensive, too, have commercial connexions now become, that every mercantile house has correspondents in almost every port. They address their vessels to these correspondents, who are found to take better care of their interests, and to obtain more effectually the protection of the laws of the country for them than the Consul of their nation can. He is generally a foreigner, unpossessed of the little details of knowledge of greatest use to them. He makes national questions of all the difficulties which arise—the correspondent prevents them. We carry on commerce with good success in all parts of the world, yet we have not a Consul in a single port, nor a complaint for the want of one, except from the persons who wish to be Consuls themselves. Though these considerations may not be strong enough to establish the absolute inutility of Consuls, they may make us less anxious to extend their privileges and jurisdictions, so as to render them objects of jealousy and irritation in the places of their residence. That this Government thinks them useful is sufficient reason for us to give them all the functions and facilities which our circumstances will admit.

Instead, therefore, of declining every article which will be useless to us, we accede to every one which will not be inconvenient. Had this nation been alone concerned, our desire to gratify them might have tempted us to press still harder on the laws and opinions of our country. But your Excellency knows that we stand engaged in treaties with some nations which will give them occasion to claim whatever privileges we yield to any other. This renders circumspection more necessary. Permit me to add one other observation. The English allow to foreign Consuls scarcely any functions within their ports. This proceeds, in a great measure, from the character of their laws, which eye with peculiar jealousy every exemption from their control. Ours are the same in their general character, and rendered still more unpliant by our having thirteen parliaments to relax instead of one. Upon the whole, I hope your Excellency will see the cause of the delay which this Convention has met with, in the difficulties it presents, and our desire to surmount them, and will be sensible that the alterations proposed are dictated to us by the necessity of our circumstances, and by a caution which cannot be disapproved, to commit ourselves to no engagements which we foresee we might not be able to fulfil.

These alterations, with some smaller ones which may be offered on the sole principle of joint convenience, shall be the subject of more particular explanation whenever your Excellency shall honor me with a conference thereon. I shall then, also, point out the verbal changes which appear to me necessary, to accommodate the instrument to the views before expressed. In the meantime, I have the honor of being, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 29, 1788.

Sir,

Having received the enclosed letter* from Julien Laurent, claiming his wages as a volunteer on board the Bon Homme Richard, I have the honor of forwarding it to you, supposing it will of course be referred to the proper office to take order on.

I have the honor to be, &c.,

TH: JEFFERSON.

* Sent to the Board of Treasury 11th June, 1789.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 3, 1788.

Sir,

My last letters to you were of the 4th and 23d of May, with a P. S. of the 27th. Since that I have been honored with yours of April 24th, May 16th, and June the 9th.

The most remarkable internal occurrences since my last are these: The *Noblesse* of Bretagne, who had received with so much warmth the late innovation in the Government, assembled and drew up a memorial to the King, and chose twelve members of their body to come and present it. Among these was the Marquis de la Rouerie, (Colonel Armand.) The King, considering the *Noblesse* as having no legal right to assemble, declined receiving the memorial. The deputies, to give greater weight to it, called a meeting of the landed proprietors of Bretagne resident at Paris, and proposed to them to add their signatures. They did so to the number of about sixty, of whom the Marquis de la Fayette was one. The twelve deputies, for having called this meeting, were immediately sent to the Bastile, where they now are; and the Parisian signers were deprived of such favors as they held of the Court. There were only four of them, however, who held anything of that kind. The Marquis de la Fayette was one of these. They had given him a military command to be exercised in the south of France, during the months of August and September of the present year. This they took from him, so that he is disgraced in the ancient language of the Court, but, in truth, honorably marked in the eyes of the nation. The Ministers are so sensible of this, that they have had separately private conferences with him to endeavor, through him, to keep things quiet. From the character of the province of Bretagne, it has been much apprehended, for some days, that the imprisonment of their deputies would have produced an insurrection. But it took another turn. The *cours intermediaires* of the province, acknowledged to be a legal body, deputed eighteen members of their body to the King. To these he gave an audience, and the answer of which I send you a copy. This is hard enough. Yet I am in hopes the appeal to the sword will be avoided, and great modifications in the Government be obtained without bloodshed. As yet, none has been spilt, according to the best evidence I have been able to obtain, notwithstanding

what the foreign newspapers have said to the contrary. The convocation of the States General is now become inevitable. Whenever the time shall be announced certainly, it will keep the nation quiet till they meet. According to the present probabilities, this must be in the course of the next summer. But to what movements their meeting and measures may give occasion, cannot be foreseen. Should a foreign war take place, still they must assemble the States General, because they cannot, but by their aid, obtain money to carry it on. Monsieur de Malesherbe will, I believe, retire from the King's Council. He has been much opposed to the late acts of authority. The Baron de Breteuil has resigned his Secretaryship of the domestic department. Certainly not for the same reason, as he is known to have been of opinion that the King had compromitted too much of his authority. The real reason has probably been an impatience of acting under a principal Minister. His successor is M. de Villedeuil, late Comptroller General.

The Ambassadors of Tippoo Saib have arrived here. If their mission has any other object than that of pomp and ceremony, it is not yet made known. Though this Court has not avowed that they are in possession of Trincomali, yet the report is believed, and that possession was taken by General Conway, in consequence of orders given in the moment that they thought a war certain. The dispute with the States General of the United Netherlands, on account of the insult to M. de St. Priest, does not tend as yet towards a settlement. He has obtained leave to go to the waters, and, perhaps, from there he may come to Paris to await events. Sweden has commenced hostilities against Russia by the taking a little fortress by land. This having been their intention, it is wonderful that when their fleet lately met three Russian ships of one hundred guns each, they saluted, instead of taking them. The Empress has declared war against them in her turn. It is well understood that Sweden is set on by England, and paid by the Turks. The prospect of Russia has much brightened by some late successes. Their fleet of galleys and gun-boats, twenty-seven in number, having been attacked by fifty-seven Turkish vessels of the same kind, commanded by the Captain Pacha, these were repulsed with the loss of three vessels. In the action, which was on the 18th of June, Admiral Paul Jones commanded the right wing of the Russians, and the Prince of Nassau the left. On the 26th of the same month, the Turkish principal

fleet, that is to say, their ships of the line, frigates, &c., having got themselves near to the swash, at the mouth of the Boristhenes, the Prince of Nassau took advantage of their position, attacked them while so engaged in the mud that they could not manœuvre, burnt six, among which were the Admiral's and Vice Admiral's, took two, and made between three or four thousand prisoners. The first report gave this success to Admiral Paul Jones, but it is now rendered rather probable that he was not there, as he commands the vessels of war, which are said not to have been there. It is supposed his presence in the affair of the 18th was accidental. But, if this success has been as complete as it is represented, the Black sea must be tolerably open to the Russians, in which case we may expect, from what we know of that officer, that he will improve to the greatest advantage the situation of things on that sea. The Captain Pacha's standard was taken in the last action, and himself obliged to make his escape in a small vessel. Prince Potemkin immediately got under march for Oczakow, to take advantage of the consternation into which that place was thrown.

The Spanish squadron, after cruising off the Western Isle and Cape St. Vincent, is returned into port.

A dispute has arisen between the Papal See and the King of Naples, which may, in its progress, enable us to estimate what degree of influence that See retains at the present day. The Kingdom of Naples, at an early period of its history, became feudatory to the See of Rome, and, in acknowledgment thereof, has annually paid a hackney to the Pope in Rome, to which place it has always been sent by a splendid embassy. The hackney has been refused by the King this year, and the Pope, giving him three months to return to obedience, threatens, if he does not, to proceed seriously against him.

About three weeks ago a person called on me, and informed me that Silas Deane had taken him in for a sum of one hundred and twenty guineas; and that being unable to obtain any other satisfaction, he had laid hands on his account-book and letter-book, and had brought them off to Paris, to offer them first to the United States, if they would repay him his money, and, if not, that he should return to London, and offer them to the British Minister. I desired him to leave them with me four and twenty hours, that I might judge whether they were worth our notice. He did so. They were two

volumes. One contained all his accounts with the United States, from his first coming to Europe to January 10, 1781. Presuming that the Treasury Board was in possession of this account till his arrival in Philadelphia, August, 1778, and that he had never given in the subsequent part, I had that subsequent part copied from the book, and now enclose it, as it may on some occasion or other, perhaps, be useful in the Treasury office. The other volume contained all his correspondencies from March 29th to August 23d, 1777. I had a list of the letters taken, by their dates and addresses, which will enable you to form a general idea of the collection on the perusal of many of them. I thought it desirable that they should not come to the hands of the British Minister; and from an expression dropped by the possessor of them, I believe he would have fallen fifty or sixty guineas. I did not think them important enough, however, to justify my purchasing them without authority, though with authority I should have done it. Indeed, I would have given that sum to cut out a single sentence, which contained evidence of a fact not proper to be committed to the hands of enemies. I told him I would state his proposition to you, and await orders. I gave him back the books, and he returned to London without making any promise that he would await the event of the orders you might think proper to give.

News of the accession of nine States to the new form of Federal Government has been received here about a week. I have the honor to congratulate you sincerely on this event. Of its effect at home you are in the best situation to judge. On this side the Atlantic it is considered as a very wise reformation. In consequence of this, speculations are already begun here to purchase up our domestic liquidated debt. Indeed, I suspect that orders may have been previously lodged in America to do this as soon as the new Constitution was accepted effectually. If it is thought that this debt should be retained at home, there is not a moment to lose; and I know of no means of retaining it but those I suggested to the Treasury Board in my letter to them of March 29th. The transfer of these debts to Europe will excessively embarrass, and perhaps totally prevent, the borrowing any money in Europe till these shall be paid off. This is a momentous object, and in my opinion should receive instantaneous attention. The gazettes of France to the departure of my letter will accompany it, and those of Leyden to the 22d of

July, at which time their distribution in this country was prohibited. How long the prohibition may continue I cannot tell. As far as I can judge, it is the only paper in Europe worth reading. Since the suppression of the packet boats I have never been able to find a safe conveyance for a letter to you till the present by Mrs. Barclay. Whenever a confidential person shall be going from thence to London I shall send my letters for you to the care of Mr. Trumbull, who will look out for safe conveyances. This will render the epochs of my writing very irregular. There is a proposition under consideration for establishing packet boats on a more economical plan from Havre to Boston. But its success is uncertain, and still more its duration.

I have the honor to be, &c.,

TH: JEFFERSON.

Reply of the King to the Deputies and Commissioners of the States of Brittany.

Translation.

I have read the memorial which you delivered me. I had already read that which preceded it, and you need not have recalled them to my memory.

I shall always receive any representations which are made to me in the forms prescribed.

The assembly which deputed twelve gentlemen were not authorized, not having asked permission for the purpose. Those deputies have themselves convoked a more irregular assembly at Paris. I have thought it proper to punish them. The means to merit my clemency is not to continue in Brittany, by illegal assemblies, the cause of my discontent. The commissions which you have been charged with, to request the reëstablishment of Brittany, must not precede the conduct they must observe. They must not solicit for a mark of my confidence, while I am forced to give them these of my animadversion.

But these personal punishments, which the good order and maintenance of my authority require, do not in any manner alter my affection for my province of Brittany.

Your States will be assembled in the month of October. It is from them that I shall know the views of the province. I will

attend to their representations, and will have that regard for them which they may merit. Your privileges shall be considered.

In shewing me fidelity and submission, all may hope for my goodness; and the greatest complaint that my subjects will have in their power against me, is forcing me to acts of rigor and severity.

My intention is that you return to-morrow to your functions.

Extract from Silas Deane's Account Book—Account against Congress.

	<i>Livres.</i>
Amount brought up	186,518 2 10
Sundries, (advances made to several officers)	20,000 0 0
1779. To my expenses in Philadelphia, from August, 1778, to November, 1779, for myself, servant, and three horses, being fifteen months, which I paid, part in hard money, part in paper, which, computed at 90 livres per week, though less than what it cost me, I am content with, fifteen months is sixty-five weeks, at 90	5,850 0 0
November, 1780. To expenses of journey to Virginia, in continental currency, dollars	2,658½
To do. paid board and lodging at Williamsburg, in Virginia	18,193½
Do. paid in two journeys to Petersburg and Richmond, ...	1,256½
Do. paid at York, and paid for sundries whilst waiting for a passage	4,845½
	26,954
Thirty for one, the medium rate of exchange at the time is 898½ dollars, or in livres	4,492 10 0
June. To paid for rum, sugar, tea, &c., &c., for passage	625 0 0
Passage for self, secretary, and servant	1,500 0 0
The <i>maitre d'hotel</i> and servant on board the <i>Roderique</i>	120 10 0
July. Expenses at Rochefort	296 19 0
Do. at Rochelle	96 15 0
Hire of the voiture to Nantes	96 0 0
August. On the road to Nantes for horses, &c.	214 11 0
Expenses at Nantes	353 4 0
Posts to Paris, and expenses on the road	415 0 0
Hire of the carriage from Nantes to Paris	120 0 0
To cash advanced Captain Hy. Johnson, April, 1778, as per his receipt, dated December 12, 1778	204 4 0
July. To my time, from June 4th, 1778, to July, 1780, being two years and one month for myself, secretary, and servant, the use of my horses, carriage, &c., in America, during which time I attended solely on Congress, and in returning to settle	
Carried forward	220,902 15 10

Livres.

Brought forward.....	220,902	15	10
their accounts, for which an allowance of 10,000 livres per annum will not be unreasonable.....	20,863	6	4
To my time, for self, secretary, and expenses in settling the accounts of Congress, six months, which, considering it was not my duty to settle them, except my own private one, and that a large balance was my due, and the expense and loss of time which I have incurred, cannot be estimated at a lower allowance than.....	13,000	0	0
To cash paid W. T. Franklin towards family expenses, by an order on M. Grand, which is charged in my account with Congress, by M. Grand, September 26th, 1777.....	4,000	0	0
To one year's wages of La Farque, from July, 1777, to July, 1778, after which I consider his wages in the general estimate for time, &c	1,440	0	0
To wrong charge of April 9th, 1777, being the disbursements on sloop Dolphin at Havre, by M. Eyries, who transacted the business, and at that time to cover his having concurred in the equipping of armed vessels for Congress, drew under the signature of Harcourt.....	9,706	16	5
To wrong charge, included in the general of 30th March, 1778, viz: moneys paid Mr. Williams, for which said Williams has accounted, being the bills drawn by said Williams on public account, accepted by me as were most of his bills....	2,973	0	0
To wrong charge in Solier's account to, amount of.....	48,252	0	0
N. B. The whole received by Silas Deane, of Solier, on his private account and use, was 10,784 livres; the rest was received on account of Robert Morris, Esq., and is by Plearne, Penet & Co. charged to said Morris, in his private account with them, as may be seen by their account transmitted to said Morris.			
To cash charged by M. Grand, delivered to order of Franklin and Deane, paid La Farque, December 21st, 1777, (being for expenses at Passy)	2,400	0	0
To sundry bills paid by Doctor Franklin after my leaving France.			
To cash paid Bousies's bill for wine, January and April, 1778, as per receipt September 18th, 1780	294	0	0
January, 1781. To paid bill for painting coach-wheels, November, 1777	16	0	0
	323,847	17	7
Deduct wrong charges in sundry entries, entered before in page fifty.....	9,706	6	5
	2,973	0	0
	4,825	2	4
	60,932	0	5
	262,915	17	2

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 10, 1788.

Sir,

I have waited till the last moment of Mrs. Barclay's departure to write you the occurrences since my letter of 3d instant. We have received the Swedish account of an engagement between their fleet and the Russian, on the Baltic, wherein they say they took one and burnt another Russian vessel, with the loss of one on their side, and that the victory remained with them. They say at the same time that their fleet returned into port, and the Russians kept the sea. We must therefore suspend our opinion till we get the Russian version of this engagement. The Swedish manifesto was handed about to-day at Versailles, by the Swedish Ambassador, in manuscript. The King complains that Russia has been ever endeavoring to sow dissensions in his kingdom, in order to reëstablish the ancient constitution; that he has long borne it through a love of peace, but finds it no longer bearable; that still, however, he will make peace on these conditions: 1st, that the Empress punishes her Minister for the note he gave into the Court of Stockholm; 2d, that she restores the Crimea to the Turks; and 3d, that she repays to him all the expenses of his armament. The Russian force in vessels of war on the Black sea—five frigates and three ships of the line—are shut up in port, and cannot come out till Oczakow shall be taken. This fleet is commanded by Paul Jones, with the rank of Rear Admiral. The Prince of Nassau commands the galleys and gun-boats. It is now ascertained that the States General will assemble the next year, and probably in the month of May. Tippoo Saib's Ambassadors had their reception this day at Versailles with unusual pomp. The presence was so numerous that little could be caught of what they said to the King, and he answered to them. From what little I could hear, nothing more passed than mutual assurances of good will. The name of the Mareschal de Richlieu is sufficiently remarkable in history to justify my mentioning his death, which happened two days ago; he was aged 92 years.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 11, 1788.

Sir,

In my letter of the last night, written in the moment of Mrs. Barclay's departure, I had the honor of mentioning to you that it was now pretty certain that the States General would be assembled in the next year, and probably in the month of May. This morning an *arrêt* is published, announcing that their meeting is fixed at the first day of May next, of which I enclose you a copy by post, in hopes it will get to Bordeaux in time for Mrs. Barclay. This *arrêt* ought to have a great effect towards tranquillizing the nation. There are still, however, two circumstances which must continue to perplex the Administration. The first is the want of money, occasioned not only by the difficulty of filling up the loan of the next year, but by the withholding the ordinary supplies of taxes, which is said to have taken place in some instances. This gives apprehension of a bankruptcy under some form or other, and has occasioned the stocks to fall in the most alarming manner. The second circumstance is, that justice, both civil and criminal, continues suspended. The Parliament will not resume their functions but with the whole body, and the greater part of the *baillages* decline acting. The present *arrêt* announces a perseverance in this plan.

I am informed from Algiers, of the 5th of June, that the plague is raging there with great violence; that one of our captives was dead of it, and another ill; so that we have there in all now only fifteen or sixteen; that the captives are more exposed to its ravages than others; that the great redemptions by the Spaniards, Portuguese, and Neapolitans, and the havoc made by the plague had now left not more than four hundred slaves in Algiers, so that their redemption was not only become exorbitant, but almost inadmissible; that common sailors were held at four hundred pounds sterling, and that our fifteen or sixteen could probably not be redeemed for less than from twenty-five to thirty thousand dollars. An Algerine cruiser having twenty-eight captives of Genoa aboard, was lately chased ashore by two Neapolitan vessels. The crew and captives got safe ashore, and the latter of course recovered their freedom. The Algerine crew was well treated, and would be sent back by the French, but the Government of Algiers demand of France sixty

thousand sequins or twenty-seven thousand pounds sterling for the captives escaped; that is nearly one thousand pounds each. The greater part of the Regency were for an immediate declaration of war against France; but the Dey urged the heavy war the Turks were at present engaged in, that it would be better not to draw another Power on them at present; that they would decline renewing the treaty of one hundred years, which expired two years ago, so as to be free to act hereafter; but for the present they ought to accept payment for the capture as a satisfaction. They accordingly declared to the French Consul that they would put him and all his countrymen into irons, unless the sixty thousand sequins were paid. The Consul told him his instructions were positively that they should not be paid. In this situation stood matters between that pettifogging nest of robbers and this great kingdom, which will finish, probably, by crouching under them, and paying the sixty thousand sequins. From the personal characters of the present Administration, I should have hoped, under any other situation than the present, they might have ventured to quit the beaten track of politics hitherto pursued, in which the honor of their nation has been calculated at nought, and to join in a league for keeping up a perpetual cruise against the pirates, which, though a slow operation, would be a sure one for destroying all their vessels and seamen, and turning the rest of them to agriculture. But a desire of not bringing upon them another difficulty, will *probably* induce the Ministers to do as their predecessors have done. The enclosed paper of this morning gives some particulars of the action between the Russians and Swedes, the manifesto of the Empress, and the declaration of the Court of Versailles as to the affair of Trincomali.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, November 25, 1788.

Dear Sir,

My last to you was dated the 23d September last. It mentioned my having received your letters of 4th, 23d, and 30th May. I have since been favored with four others, viz: 29th July, and 3d, 10th, and 11th August, with the papers mentioned to be enclosed. They

have not been laid before Congress, although I transmitted them to the President for that purpose; for a sufficient number of members to form a House have not since convened. The members present have, nevertheless, read them. The occurrences they mention are interesting, and your attention in transmitting them gives pleasure. The circumstance of Mr. Deane's letter-book and account-book being offered to you for sale is a singular one. I wish you had purchased them. On this subject I cannot, indeed, give you any instructions or authority; but I will venture to advise you in express terms to make the purchase. I have no doubt that Congress will be satisfied with it. To me it appears expedient, and the same opinion prevails among the members of Congress who have read your letter.

I enclose a copy of a letter of the 5th of August last from Mr. Robert Montgomery, at Alicant. I find his letter was a copy; the original never came to my hands. The facts stated in this letter merit attention, and, as the business it alludes to is in your department, I take the earliest opportunity of making this communication. To me it appears highly probable that every maritime nation in Europe is well content that war should subsist between Barbary and the United States, and in my opinion none of them (except perhaps Spain for particular reasons) will really and sincerely promote any measures tending to the establishment of peace between us. If this be so, it is important that as much secrecy as possible should be observed in all our proceedings relative to that object. I wish the Porte could be sounded on this subject. Overtures for a treaty from us to that Court made at *this period* would probably be grateful, and might eventually terminate all our difficulties with Algiers, &c., especially as the Emperor of Morocco will promote it.

Much remains to be done, and much to be attempted; but without a competent Government and adequate funds no national affairs can be well managed.

Mr. Nesbit will deliver this letter to you, and you will find enclosed with it, one directed to Mr. Carmichael, and there is in it a cypher for him. Be so obliging, therefore, as to keep it by you, and if possible out of the reach of the police, until you can have an opportunity of sending it to him by some person of confidence.

Mr. Gouverneur Morris expects to sail in the same vessel with Mr. Nesbit, and will either go with or soon follow him to Paris. As

you are personally acquainted with this gentleman, it cannot be necessary for me to introduce him to you, or recommend him to your friendly attentions. It is in his power to give you minute information on many interesting subjects.

With sincere esteem and regard, &c.,

JOHN JAY.

—o—

FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, August 12, 1788.

Dear Sir,

Since my last to you I have been honored with yours of the 18th and 29th of May, and 5th of June. My latest American intelligence is of the 24th of June, when nine certainly, and probably ten States had accepted the new Constitution, and there was no doubt of the eleventh, (North Carolina,) because there was no opposition there. In New York two thirds of the State were against it, and certainly, if they had been called to the decision in any other stage of the business, they would have rejected it; but before they put it to the vote, they would certainly have heard that eleven States had joined in it, and they would find it safer to go with those eleven than put themselves in opposition, with Rhode Island only. Though I am pleased with this successful issue of the new Constitution, yet I am more so to find that one of its principal defects (the want of a declaration of rights) will pretty certainly be remedied. I suppose this because I see that both people and conventions in almost every State have concurred in demanding it. Another defect, the perpetual reëligibility of the same President, will probably not be cured during the life of General Washington. His merit has blinded our countrymen to the danger of making so important an officer reëligible. I presume there will not be a vote against him in the United States. It is more doubtful who will be Vice President. The age of Dr. Franklin, and the doubt whether he would accept it, are the only circumstances that admit a question, but that he would be the man. After these two characters of first magnitude, there are so many which present themselves equally, on the second line, that we cannot see which of them will be singled out. John Adams, Hancock, Jay, Madison, Rutledge, will be all voted for. Congress has acceded to the prayers of Kentucky, to become an independent member of the

Union. A committee was occupied in settling the plan of receiving them, and their government is to commence on the 1st day of January next.

You are, I dare say, pleased, as I am, with the promotion of our countryman, Paul Jones. He commanded the right wing in the first engagement between the Russian and Turkish galleys. His absence from the second, proves his superiority over the Captain Pacha, as he did not choose to bring his ships into the shoals in which the Pacha ventured, and lost those entrusted to him. I consider this officer as the principal hope of our future efforts on the ocean. You will have heard of the action between the Swedes and Russians on the Baltic. As yet, we have only the Swedish version of it. I apprehend this war must catch from nation to nation, till it becomes general.

With respect to the internal affairs of this country, I hope they will be finally arranged, and without having cost a drop of blood. Looking on as a bystander, no otherwise interested than as entertaining a sincere love for the nation in general, and a wish to see their happiness promoted, keeping myself clear of the particular views and passions of individuals, I applaud extremely the patriotic proceedings of the present Ministry. Provincial Assemblies established, the States General called, the right of taxing the nation without their consent abandoned, *corvées* abolished, torture abolished, the criminal code reformed, are facts which will do eternal honor to their administration in history. But were I their historian, I should not equally applaud their total abandonment of their foreign affairs. A bolder front in the beginning would have prevented the first loss, and consequently all the others. Holland, Prussia, Turkey, and Sweden lost, without the acquisition of a single new ally, are painful reflections for the friends of France. They may, indeed, have in their places the two empires, and perhaps Denmark, in which case, physically speaking, they will stand on as good ground as before; but not on as good moral ground. Perhaps, seeing more of the internal working of the machine, they saw more than we do, the physical impossibility of having money to carry on a war. Their justification must depend on this, and their atonement in the eternal good they are doing to their country. This makes me completely their friend.

I am, with great respect, sir, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 26, 1788.

Sir,

I had the honor to write to you on the 3d, 10th, and 11th instant, with a postscript of the 12th, all of which went by Mrs. Barclay. Since that date we received an account of the third victory obtained by the Russians over the Turks on the Black sea, in which the Prince of Nassau, with his galleys, destroyed two frigates, three smaller vessels, and six galleys. The Turkish power on that sea is represented by their enemies as now annihilated. There is reason to believe, however, that this is not literally true, and that, aided by the supplies furnished by the English, they are making extraordinary efforts to reestablish their marine. The Russian Minister here has shewn the official report of Admiral Greigh on the combat of July 17th, in which he claims the victory, and urges in proof of it that he kept the field of battle. His report is said to have been written on it. As this paper, together with the report of the Swedish Admiral, is printed in the Leyden Gazette of the 15th instant, I enclose it to you. The Court of Denmark has declared it will furnish to Russia the aid stipulated in their treaty; and it is not doubted they will go beyond this, and become principals in the war. The next probable moves are that the King of Prussia will succor Sweden and Poland against Russia by land, and a possible consequence is, that England may send a squadron into the Baltic to restore the equilibrium in that sea.

In my letter of the 11th, I observed to you that this country would have two difficulties to struggle with till the meeting of their States General, and that one of these was the want of money. This has, in fact, overborne all their resources, and the day before yesterday they published an *arrêt*, suspending all reimbursements of capital, and reducing the payments of the principal mass of demands for interest to twelve sous in the livre, the remaining eight sous to be paid with certificates. I enclose you a newspaper, with the *arrêt*. In this paper you will see the exchange of yesterday; and I have inserted that of the day before, to shew you the fall. The consternation is as yet too great to let us judge of the issue. It will probably open the public mind to the necessity of a change in their Constitution, and to the substituting the collected wisdom of the whole in place of a single will, by which they have been hitherto

governed. It is a remarkable proof of the total incompetency of a single head to govern a nation well, when, with a revenue of six hundred millions, they are led to a declared bankruptcy, and to stop the wheels of Government, even in its most essential movements, for want of money.

I send you the present letter by a private conveyance to a sea-port, in hopes a conveyance may be found by some merchant vessel.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 3, 1788.

Sir,

By Mrs. Barclay I had the honor of sending you letters of the 3d, 10th, and 11th of August; since which I wrote you of the 20th of the same month by a casual conveyance, as is the present.

In my letter of the 20th I informed you of the act of public bankruptcy which had taken place here. The effect of this would have been a forced loan of about one hundred and eighty millions of livres in the course of the present and ensuing year. But it did not yield a sufficient immediate relief. The Treasury became literally moneyless, and all purposes depending on this mover came to a stand. The Archbishop was hereupon removed, with Monsieur Lambert, the Comptroller General, and M. Necker was called in as Director General of Finance. To soften the Archbishop's dismissal, a Cardinal's hat is asked for him at Rome, and his nephew promised the succession to the Archbishopric of Sens. The public joy on this change of Administration was very great, indeed. The people of Paris were amusing themselves with trying and burning the Archbishop in effigy, and rejoicing on the appointment of M. Necker. The commanding officer of the city guards undertook to forbid this, and not being obeyed, he charged the mob with fixed bayonets, killed two or three, and wounded many. This stopped their rejoicing for that day; but, enraged at being thus obstructed in amusements wherein they had committed no disorder whatever, they collected in great numbers the next day, attacked the guards in various places, burnt ten or twelve guard-houses, killed two or three guards, and had about six or eight of their own number killed. The city was here-

upon put under martial law, and after awhile the tumult subsided and peace was restored. The public stocks rose ten per cent. on the day of M. Necker's appointment. He was immediately offered considerable sums of money, and has been able so far to waive the benefit of the act of bankruptcy as to pay, in cash, all demands except the *remboursements des capitaux*. For these, and for a sure supply of other wants, he will depend on the States General, and will hasten their meeting, as is thought. No other change has yet taken place in the Administration. The Minister of War, however, must certainly follow his brother, and some think, and all wish, that Monsieur de Lamoignon, the *Garde des sceaux*, may go out, also. The administration of justice is still suspended. The whole kingdom seems tranquil at this moment.

Abroad no event worth noticing has taken place since my last. The Court of Denmark has not declared it will do anything more than furnish the stipulated aid to Russia. The King of Prussia has as yet made no move which may decide whether he will engage in the war, nor has England sent any squadron into the Baltic. As the season for action is considerably passed over, it is become more doubtful whether any other Power will enter the lists till the next campaign. This will give time for stopping the further progress of the war, if they really wish to stop it. Two camps, of twenty-five thousand men each, are forming in this country, on its northern limits. The Prince of Condé has the command of one, and the Duke de Broglie of the other.

I trouble you with the enclosed letter* from a Henry Watson, claiming prize moneys, as having served under Admiral Paul Jones, which I suppose should go to the Treasury or War Office.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 6, 1788.

Sir,

I wrote you on the 3d instant, and have this day received Mr. Remsen's favor of July 25th, written during your absence at Poughkeepsie, and enclosing the ratification of the loan of a million of

* Sent to the Board of Treasury, 25th February, 1789.

florins for which Mr. Adams had contracted bonds at Amsterdam in March last. The expediency of that loan resulting from an estimate made by Mr. Adams and myself, and that estimate having been laid before Congress, their ratification of the loan induces a presumption that they will appropriate the money to the objects of the estimate. I am in hopes, therefore, that orders are given by the Treasury Board to the Commissioners of the loans at Amsterdam to apply these moneys accordingly, and especially to furnish, as soon as they shall have it, what may be necessary for the redemption of our captives at Algiers, which is a pressing call. I am not without anxiety, however, on this subject, because, in a letter of July 22d, received this day from the Treasury Board, they say nothing on that subject, nor on the arrearages of the foreign officers. They enclose me the order of Congress of the 18th July, for sending to the Treasury Board the books and papers of the office of foreign accounts. I shall accordingly put them into the hands of a person who goes from Paris to-morrow morning by the way of Havre to America, and shall endeavor to prevail on him to attend them from the place of his landing to New York, that the Board may receive them from the hand which receives them from me.

The establishment of the Parliaments, and revocation of everything which was done on the 8th of May, is expected to take place in three or four days.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 24, 1788.

Sir,

Understanding that the vessel is not yet sailed from Havre which is to carry my letters of the 3d and 5th instant, I am in hopes you will receive the present with them.

The Russian accounts of their victories on the Black sea must have been greatly exaggerated. According to these, the Captain Pacha's fleet was annihilated. Yet themselves have lately brought him on the stage again with fifteen ships of the line, in order to obtain another victory over him. I believe the truth to be that he has suffered some checks, of what magnitude it is impossible to say where one side alone is heard, and that he is still master of that sea.

He has relieved Oczakow, which still holds out; Choczim, also, is still untaken, and the Emperor's situation is apprehended to be bad. He spun his army into a long cord to cover several hundred miles of frontier, which put it into the power of the Turks to attack with their whole force wherever they pleased. Laudon, now called to head the Imperial army, is endeavoring to collect it. But in the meantime the campaign is drawing to a close—it has been worse than fruitless. The resistance of Russia to Sweden has been successful in every point, by sea and land. This, with the interference of Denmark, and the discontent of the Swedish nation at the breach of their Constitution by the King's undertaking an offensive war, without the consent of the Senate, has obliged him to withdraw his attacks by land, and to express a willingness for peace. One third of his officers have refused to serve. England and Prussia have offered their mediation between Sweden and Russia in such equivocal terms as to leave themselves at liberty to say it was an offer, or was not, just as it shall suit them. Denmark is asking the counter-offer of mediation from this Court. If England and Prussia make a peace effectually in the north, (which it is absolutely in their power to do,) it will be a proof they do not intend to enter into the war. If they do not impose a peace, I should suspect they mean to engage themselves; as one can hardly suppose they would let the war go on in its present form, wherein Sweden must be crushed between Russia and Denmark.

The *Garde des Sceaux*, M. de Lamoignon, was dismissed the 14th instant, and M. de Barentin is appointed in his room. The deputies of Brittany are released from the Bastile, and M. d'Eprenesnil and M. Sabatier recalled from their confinement. The Parliament is not yet reinstated, but it is confidently said it will be this week. The stocks continue low, and the Treasury under a hard struggle to keep the Government in motion. It is believed the meeting of the States General will be as early as January, perhaps December. I have received a duplicate of the ratification of the loan of 1788 by Congress, and a duplicate of a letter of July 22d, from the Treasury Board, on another subject, but none on that of the captives or foreign officers. I suppose some cause of delay must have intervened between the ratification of Congress and the consequent orders of the Treasury Board.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO THE COMMISSIONERS OF THE TREASURY.

Paris, September 6, 1788.

Gentlemen,

Your favor of July the 3d came to hand some days ago, and that of July the 22d in the afternoon of yesterday. Knowing that a Mr. Vannet was to leave Paris this morning, to go to Virginia, in a vessel bound from Havre to Potomac, I have engaged him to receive the papers which are the subject of those letters; to take care of them from thence to Havre, and on the voyage; and when he shall have arrived in Potomac, instead of going directly to Richmond as he intended, he will proceed with them himself to New York. I shall pay here all expenses to their delivery at the ship's side in America, freight included; unless, perhaps, he may find it necessary to put another covering over them, if he should not be able to get them into the cabin; in this case you will have to reimburse him for that. I engage to him that you shall pay him their transportation from the ship's side to New York, and his own reasonable expenses from the place of his landing to New York, and back to the place of landing. As he takes that journey for this object only, it would be reasonable that you give him some gratuity for his time and trouble, and I suppose it would be accepted by him; but I have made no agreement for this. The papers are contained in a large box and a trunk. They were sent here by Mr. Ast, during my absence in Holland. When they arrived at the gates of Paris, the officers of the customs opened the trunk to see whether it contained dutiable articles; but finding only books and papers, they concluded the contents of the box to be of the same nature, and did not open that; you receive it, therefore, as it came from the hands of Mr. Ast. A small trunk, which came as a third package from Mr. Ast, and which has never been opened, I have put into the great trunk, without displacing, or ever having touched a single paper, except as far as was necessary to make room for that. I shall have the whole corded and plumbed by the custom-house here, not only to prevent their being opened at the custom-house on the road and at the port of exportation, but to prove to you whether they shall have been opened by anybody else, after going out of my hands. If the stamp leads are entire, and the cords uncut, when you receive them, you will be sure they have not been opened. They will be wrapped in oil-cloth here to guard them

against the damps of the sea ; and, as I mentioned before, Mr. Vannet will put them under another covering, if he finds it necessary, at Havre.

At the same time with your last letter I received from the office of Foreign Affairs the ratification of Congress of the loan of 1788 for another million of guilders. As the necessity of this loan resulted from the estimate made by Mr. Adams and myself, which estimate was laid before Congress, I suppose their ratification of the loan implies that of the estimate. One article of this was for the redemption of our captives at Algiers. Though your letter says nothing on his subject, I am in hopes you have sent orders to the Commissioners of the loans at Amsterdam to furnish, as soon as they shall have it, what may be necessary for this pressing call. So, also, for the foreign officers. If the ratification of the loan has been made by Congress with a view to fulfil the objects of the estimate, a general order from you to the Commissioners of the loans at Amsterdam, to pay the moneys from time to time, according to that estimate, or to such other as you shall furnish them with, might save the trouble of particular orders on every single occasion, and the disappointments arising from the delay or miscarriage of such orders ; but it is for you to decide on this.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, November 14, 1788.

Sir,

In my letter of December 21st, 1787, I had the honor of acknowledging the receipt of your two favors of July 27th, 1787, which had come to my hands December 19th, and brought with them my full powers for treating on the subject of the Consular convention. Being then much engaged in getting forward the *arrêt*, which came out the 29th of December, and willing to have some interval between that act, and the solicitation of a reconsideration of our Consular convention, I had declined mentioning it for some time, and was just about to bring it on the carpet, when it became necessary for me to go to Amsterdam. Immediately after my return, which was about the last of April, I introduced the subject to the Count de Montmorin, and have followed it unremittingly from that time. The

office of Marine, as well as that of Foreign Affairs, being to be consulted in all the stages of the negotiation, has protracted its conclusion till this time. It is at length signed this day, and I have now the honor to enclose the original for the ratification of Congress. The principal changes effected are the following:

The clauses of the convention of 1784, clothing Consuls with the privileges of the law of nations, are struck out, and they are expressly subjected, in their persons and property, to the laws of the land.

That giving the right of sanctuary to their houses, is reduced to a protection of their chancery room and its papers.

Their coercive powers over passengers are taken away; and over those whom they might have termed deserters of their nation, are restrained to deserted seamen only.

The clause allowing them to arrest and send back vessels is struck out, and instead of it, they are allowed to exercise a police over the ships of their nation generally.

So is that which declared the indelibility of the character of subject, and the explanation and intention of the 11th article of the treaty of amity.

The innovations in the laws of evidence are done away.

And the convention is limited to twelve years' duration.

Convinced that the fewer examples the better, of either persons or causes inamenable to the laws of the land, I could have wished still more had been done; but more could not be done with good humor. The extensions of authority given by the convention of 1784 were so homogeneous with the spirit of this Government that they were prized here. Monsieur de Rayneval has had the principal charge of arranging this instrument with me; and in justice to him, I must say I could not have desired more reasonable and friendly dispositions than he demonstrated through the whole of it.

I enclose herewith the several schemes successively proposed between us, together with copies of the written observations given in with them, and which served as texts of discussion in our personal conferences. They may serve as a commentary on any passage which may need it, either now or hereafter, and as a history how any particular passage comes to stand as it does. No. 1, is the convention of 1784; No. 2, is my first scheme; No. 3, theirs in answer to it; No. 4, my next, which brought us so near together,

that in a conference on that, we arranged it in the form in which it has been signed. I add No. 5, the copy of a translation which I have put into their hands, with a request that if they find any passages, in which the sense of the original is not faithfully rendered, they will point them out to me; otherwise, we may consider it, as having their approbation. This and the convention of 1784 (marked No. 1) are placed side by side, so as to present to the eye, with less trouble, the changes made; and I enclose a number of printed copies of them for the use of the members who will have to decide on the ratification. It is desirable that the ratification should be sent here for exchange as soon as possible.

With respect to the consular appointments, it is a duty on me to add some observations which my situation here has enabled me to make. I think it was in the spring of 1784 that Congress (harassed by multiplied applications from foreigners, of whom nothing was known but on their own information, or on that of others as unknown as themselves,) came to a resolution that the interest of America would not permit the naming any person not a citizen to the office of Consul, Vice Consul, Agent, or Commissary. This was intended as a general answer to that swarm of foreign pretenders. It appears to me that it will be best still to preserve a part of this regulation. *Native* citizens, on several valuable accounts, are preferable to aliens, and to citizens alien born. They possess our language, know our laws, customs, and commerce, have generally acquaintance in the United States, give better satisfaction, and are more to be relied on in the point of fidelity. Their disadvantages are an imperfect acquaintance with the language of this country, and an ignorance of the organization of its judicial and executive powers, and consequent awkwardness whenever application to either of these is necessary, as it frequently is. But it happens that in some of the principal ports of France, there is not a single American, (as in Marseilles, L'Orient, and Havre,) in others but one, (as in Nantes and Rouen,) and in Bordeaux only two or three. Fortunately for the present moment most of those are worthy of appointments. But we should look forward to future times when there may happen to be no native citizens in a port, but such as being bankrupt, have taken asylum in France from their creditors, or young ephemeral adventurers in commerce without substance or conduct, or other descriptions which might disgrace the consular office without

protecting our commerce. To avail ourselves of our good *native* citizens, when we have one in a port, and when there are none, to have yet some person to attend to our affairs, it appears to me advisable to declare by a standing law that no person but a native citizen shall be capable of the office of *Consul*; and that the Consul's presence in his port should suspend for the time the functions of the Vice Consul. This is the rule of 1784, restrained to the office of *Consul* and to *native citizens*. The establishing this by a standing law will guard against the effect of particular applications, and will shut the door against such applications as will otherwise be numerous. This done, the office of Vice Consul may be given to the best subject in the port, whether citizen or alien, and that of Consul be kept open for any native citizen of superior qualifications, who might come afterwards to establish themselves in the port. The functions of the Vice Consul would become dormant during the presence of his principal, come into activity again on his departure, and thus spare us and them the painful operation of revoking and reviving their commissions perpetually. Add to this, that during the presence of the Consul, the Vice Consul would not be merely useless, but would be a valuable counsellor to his principal, new in office, the language, laws, and customs of the country. Every Consul and Vice Consul should be restrained in his jurisdiction to the post for which he is named, and the territory nearer to that than to any other Consular or Vice Consular port, and no idea permitted to arise that the grade of Consul gives a right to any authority whatever over a Vice Consul, or draws on any dependence.

To these general facts and observations I will add some local, and of the present moment.

Marseilles. There is no native. Stephen Cathalan, the father, has had the agency, by appointment either of Doctor Franklin or Mr. Barclay. But his son, of the same name, has solely done the duties, and is best capable of them. He speaks our language perfectly, is familiar with our customs, as having lived in a counting-house in London, is sensible, active, and solid in his circumstances. Both the port and person merit a Vice Consulate.

Bordeaux. Mr. John Bondfield, a native citizen, has hitherto acted by appointment from Doctor Franklin. He is well known in America, is of a higher degree of information than is usually to be found, and unexceptionable in every point of view. His circum-

stances, indeed, have at one time been perplexed, but I suppose them to be otherwise now. He is likely to remain long at Bordeaux, and is so much respected that we cannot expect a better subject there. I think him proper for a *consular* commission.

Nantes. We have but one native citizen there, Mr. Burrell Carnes, who has acted by appointment from Mr. Barclay, and acted well, as far as I am able to judge. He is young, and beginning business only; would be proper for the Vice Consulate at present and for the Consulate when time shall have added experience and firm establishment to his present qualifications.

L'Orient. No citizen at all. Mr. Loreilhe, a Frenchman, and very worthy man, acted for some time; but failing in his affairs, he removed to the neighborhood of Bordeaux. After that, I wrote occasionally to Wilt & Delmestre; but they, too, are become bankrupt. There is lately gone there from Paris a Monsieur Vernes, an uncommonly sensible, well-informed man, speaking our language well, connected in commerce with the wealthy house of Berard & Co., and particularly engaged in the American commerce. I suppose him proper for a Vice Consulate.

Havre. There is no native. M. André Limozin has acted by appointment of Doctor Franklin. He is a very solid merchant, speaks and writes our language, is sensible, experienced, and very zealous. His services hitherto have been so assiduous as to entitle him to the Vice Consulate in preference to any other person in that port.

Rouen. There is but one citizen there, Mr. Thomas Appleton, son of Nathaniel Appleton, of Boston. He is young, and just beginning business. He is sensible, active, and fit for the Vice Consulate, with a view to the Consulate at some future day, as in the case of Mr. Carnes.

The preceding are the only ports worthy of either Consular or Vice Consular establishment. To multiply would be to degrade them, and excite jealousy in the Government.

At the following I should suppose Agents sufficient:

Dunkirk. Francis Coffin, an American, and good man, appointed by Doctor Franklin.

Dieppe. M. Cavalier, a Frenchman, appointed by Mr. Barclay.

Bayonne. Louis Alexander has meddled for us of his own accord. I know neither good nor harm of him. He writes a broken English,

but I do not know if he speaks the language. Though a free port, there had entered there but one or two ships from the peace to the Autumn of 1787. I have no account since.

Cette. Nicholas Guirard, named by Doctor Franklin. He is of the mercantile house of Guirard & Portas. I saw one of the partners while at *Cette*, who spoke English well, is familiar with English usages in commerce, is sensible, and has the appearance of being a good man. But I do not recollect whether the person I describe was Guirard or Portas. The other partner does not speak English. Mr. Barclay can probably fix this uncertainty, as well as give fuller information on all the other persons named. This one, whichever he be, is fittest for the agency.

Besides these, I would take the liberty of recommending the appointment of Agents at Toulon, Rochefort, Brest, and Cherbourg, merely for the purposes of intelligence. They are King's ports, and it is in them that the symptoms of a maritime war will always first show themselves. Such a correspondence, therefore, will be always proper for your Minister here, and, in general, the Consuls and Vice Consuls should be instructed to correspond with him for his information. It does not appear to me proper that he should have any power of naming or removing them. It might lead to abuse.

It is now proper I should give some account of the state of our dispute with Schweighauser & Dobrée. In the conversation I had with Dobrée at Nantes, he appeared to think so rationally on this subject that I thought there would be no difficulty in accommodating it with him, and I wished rather to settle it by accommodation than to apply to the Minister. I afterwards had it intimated to him, through the medium of Mr. Carnes, that I had it in idea to propose a reference to arbitrators. He expressed a cheerful concurrence in it. I thereupon made the proposition to him formally, by letter, mentioning particularly that we would choose our arbitrators of some neutral nation, and of preference from among the Dutch refugees here. I was surprised to receive an answer from him wherein, after expressing his own readiness to accede to this proposition, he added, that on consulting Mr. Puchelburg, he had declined it. Nevertheless, he wished a fuller explanation from me, as to the subjects to be submitted to arbitration. I gave him that explanation, and he answered finally, that Mr. Puchelberg refused all accommodation, and insisted that the matter should be decided by the tribunals of the

country. Accommodation being at an end, I wrote to Monsieur de Montmorin, and insisted on the usage of nations, which does not permit the effects of one sovereign to be seized in the territories of another, and subjected to judiciary decision there. I am promised that the stores shall be delivered; but the necessary formalities will occasion some delay. The King being authorized to call all causes before himself, ours will be evoked from the tribunals where it is, and will be ended by an order to deliver up the stores arrested, leaving it to the justice of Congress to do afterwards what is right as to the demand of Schweighauser & Dobrée. I wish I could receive instructions what to do with the stores when delivered. The arms had certainly better be sent to America, as they are good, and yet will sell here for little or nothing. The gun-stocks and old iron had better be sold here. But what should be done with the anchors? Being thoroughly persuaded that Congress wish that substantial justice should be done to Schweighauser & Dobrée, I shall, after the stores are secured, repeat my proposition of arbitration to them. If they then refuse it, I shall return all the papers to America, and consider my powers for settling this matter as at an end.

I have received no answer yet from Denmark on the subject of the prizes; nor do I know whether to ascribe this silence to an intention to evade the demand, or to the multitude of affairs they have had on their hands lately. Patience seems to be prudence in this case; to indispose them would do no good, and might do harm. I shall write again soon if no answer be received. In the mean time, I have the honor to be, &c.,

TH: JEFFERSON.

Translation.

FIRST FORM PROPOSED ON THE PART OF THE UNITED STATES.

Convention between his Most Christian Majesty and the United States of America, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, Vice Consuls, Agents, and Commissaries.

His Majesty the Most Christian King and the United States of America having, by the 29th article of the treaty of amity and commerce concluded between them, mutually granted the liberty of

having in their respective States and ports Consuls, Vice Consuls, Agents, and Commissaries, and being willing, in consequence thereof, to determine and fix in a reciprocal and permanent manner, the functions and prerogatives of the said Consuls, Vice Consuls, Agents, and Commissaries, his most Christian Majesty has nominated the Sieur _____, and the United States of America has nominated _____, who, after having communicated to each other their respective full powers, agreed upon what follows:

ARTICLE I. The Consuls and Vice Consuls, *Agents and Commissaries*, nominated by his most Christian Majesty and the United States, or *by their authority*, shall be bound to present their commissions according to the form which shall be established *by the King within his dominions, and by the Congress within the United States*. There shall be delivered to them, without any charge, the exequatur necessary for the exercise of their functions, and on the exhibition which they shall make of the said exequatur, the Governors, commanders, judges, public bodies, tribunals, and other officers having authority in the ports and places of their consulate, shall cause them to enjoy, as soon as possible, and without difficulty, the preëminences, authority, and privileges, reciprocally granted, without exacting from the said Consuls, Vice Consuls, Agents, and Commissaries any duty, under any pretence whatever.

ARTICLE IV. The Consuls and Vice Consuls shall be exempt from all personal service and public offices, from soldiers' billets, militia watch, guard, guardianship, and trusteeship, as well as from all duties, taxes, impositions, and charges whatever, except on the estate, *real and personal*, of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals, *and in all other instances they shall be subject to the laws of the land, with respect to their persons, their property, and possessions, in the same manner as other foreigners of their nation are*.

They shall place over the outward door of their house the arms of their sovereign, without, however, the mark of distinction giving to the said house the right of asylum *for any person or property whatever*.

ARTICLE VI. The Consuls' and Vice Consuls respectively may establish a chancery, where shall be deposited the consular acts and

deliberations, all effects left by deceased persons or saved from shipwreck, as well as testaments, obligations, contracts, and in general all the acts and proceedings done between persons of their nation.

They may, in consequence, appoint for the business of the said chancery capable persons, receive them, administer an oath to them, give to them the keeping of the seal and the right of sealing commissions, judgments, and other acts of the consulate, as well as there to discharge the functions of notaries and registers in cases which shall concern the subjects of their own nation.

ARTICLE VII. The Consuls and Vice Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, seamen, and passengers and merchants of their nation would make there, even their testaments and other dispositions of last will; and the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls, under the seal of their consulate, shall receive faith in law *equally as their originals* would in all the tribunals of the *dominions of the most Christian King* and of the United States, and *in all cases which only concern persons of their nation*.

They shall also have, and exclusively, *in case of the absence of the testamentary executor, guardian, or lawful representative*, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation who shall die within the extent of their consulate. They shall proceed therein with the assistance of two merchants of their said nation, or *of any other* of their choice, and shall cause to be deposited in their chancery the effects and papers of their said estates, and no officer, military, judiciary, or of the police of the country, shall disturb them, or interfere therein in any manner whatsoever; but the said Consul shall not deliver up the said effects, nor the proceeds thereof, to the lawful representatives, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; *for which purpose the creditor shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known*, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums

he shall have unduly received, principal, interests, and costs; which surety shall stand, nevertheless, duly discharged after the term of one year in time of peace, and of two in time of war, if the discharge cannot be formed before the end of this term, against the representatives who shall present themselves. *And in order that the representatives may not be unjustly kept out of the effects of the deceased, the Consuls and Vice Consuls shall notify his death in some one of the gazettes published within their consulate. And that they shall retain the said effects in their hands* months, to answer all just demands which shall be presented; and they shall be bound, after this delay, to deliver to the persons succeeding thereto what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VIII. The respective Consuls and Vice Consuls shall receive the declarations, protests, and other consular acts, from all captains and masters of their respective nations, on account of average losses sustained at sea by leakage or throwing merchandize overboard, and these captains and masters shall leave in the chancery of the said Consuls and Vice Consuls the protests and other consular acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of his most Christian Majesty and the United States are interested in the said cargo, the average shall be fixed by the tribunals of the country, and not by the Consuls or Vice Consuls; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls and Vice Consuls shall appoint skilful persons to settle the damage and average.

ARTICLE IX. In cases where, by tempests or other accidents, French ships or vessels shall be stranded on the coast of the United States, and ships or vessels of the United States shall be stranded on the coast of the dominions of the most Christian King, the Consul or Vice Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the Consuls, Vice Consuls, captain and crew of the vessel shipwrecked, or stranded, all the succor and favor which they

shall demand of them, either for expedition in securing the cargo or preserving the effects saved, as well as to prevent all disturbances.

And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed, when there shall be no Consul or Vice Consul to attend to the saving of the wreck, or that the residence of the said Consul or Vice Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein with all the despatch, certainty, and precaution prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice Consul, and shall deliver over to him the report of his proceedings, the expenses of which the Consul or Vice Consul shall cause to be reimbursed to him.

The merchandize and effects saved shall be deposited in the custom-house, or other nearest place of safety, with the inventory of them, which shall be made by the Consul or Vice Consul, or, in their absence, by the judge who shall have cognizance thereof; and the said merchandizes and effects shall be afterwards delivered, after levying therefrom the costs, and without form of process, to the proprietors, who, being furnished with a replevy from the nearest Consul or Vice Consul, shall reclaim them by themselves or by their attorneys, either for the purpose of reëxporting the merchandizes—and in that case they shall pay no kind of duties of exportation—or for the purpose of selling them in the country, if they are not prohibited; and in this latter case, the said merchandizes being averaged, there shall be granted them an abatement of the entrance duties proportioned to the damage sustained, which shall be ascertained by the verbal process formed at the time of shipwreck, or of the vessel's running ashore.

ARTICLE X. The Consuls and Vice Consuls may cause to be arrested in the country the sailors deserters of their respective nations, and send them back and transport them out of the country.

The registers of the vessels, or rolls of the crew, shall be received in testimony to prove that the persons arrested as deserting sailors belong to their respective nations, but shall not exclude the other legal proofs relative to the same facts.

As soon as there shall be sufficient proof that they are deserting sailors of such nation, no tribunals, judges, or officers whatsoever shall, in any manner whatever, take cognizance of the complaint

which the said sailors and deserters may make; but they shall, on the contrary, be delivered up on any order signed by the Consul or Vice Consul, without its being in any one's power in any manner to detain, engage, or withdraw them. And to attain to the complete execution of the arrangements contained in this article, all persons having authority shall be bound to assist the said Consuls or Vice Consuls; and, on a simple requisition signed by them, they shall cause to be detained and guarded in prison, at the disposal and expense of the said Consuls and Vice Consuls, the said sailors and deserters, until they shall have an opportunity to send them out of the country. *But if they be not sent out of the country in one month from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.*

ARTICLE XI. In cases where the respective subjects or *citizens* shall have committed any crime or *breach of the peace*, they shall be amenable to the judges of the country.

ARTICLE XII. All differences and suits between the subjects of the most Christian King in the United States, or between the citizens of the United States *in the dominions of the most Christian King*, shall be determined by the respective Consuls, *if one of the parties demands it*, either by a reference to arbitration or by a summary judgment, and without costs.

No officer, civil or military, shall interfere or take any part whatever in the affair; appeal shall be carried before the tribunals of France or the United States, to whom it may appertain to take cognizance thereof.

The respective agents shall be bound to render to their respective merchants, navigators, and vessels, all possible service, and to inform the nearest Consul or Vice Consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to the Consuls and Vice Consuls, and without power to exact any duty or emolument whatever, under any pretence whatever.

ARTICLE XIII. The general utility of commerce having caused to be established *within the dominions of the most Christian King*, particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of those establishments; and the Congress of the United States *will provide, in the manner the most conformable to its laws*, equivalent

advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV. The subjects of the most Christian King and the *citizens* of the United States who shall prove, by legal evidence, that they are of the said nations respectively, shall, in consequence, enjoy an exemption from all personal service in the place of their settlement.

ARTICLE XV. If any other nation acquires, by virtue of any convention whatever, a treatment more favorable with respect to the consular preëminences, powers, authority, and privileges, the Consuls and Vice Consuls of the most Christian King or the United States, reciprocally, shall participate therein, agreeably to the terms stipulated by the 2d, 3d, and 4th articles of the treaty of amity and commerce concluded between the most Christian King and the United States.

ARTICLE XVI. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year, or sooner, if possible.

In faith whereof, &c.

FIRST COUNTER-PROPOSITION ON THE PART OF FRANCE.

Translation.

Convention between his most Christian Majesty and the United States of America, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls and Vice Consuls.

NOTES.

It is proposed to leave out the words *Agents and Commissaries*. In the treaty the right of establishing Agents, or Commissaries, or Consuls, is reserved. But since the late denomination is chosen, it appears useless to repeat the others.

It appears proper to announce precisely that these public officers shall be under the title of Consuls and Vice Consuls, in order to prevent any persons being

His Majesty the most Christian King and the United States of America having, by the 29th article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having, in their respective States and ports, Consuls and Vice Consuls, Agents and Commissaries, and being willing, in consequence thereof, to define and establish, in a reciprocal and permanent manner, the functions and prerogatives of Con-

respectively sent hereafter under different titles from whence might result difficulties in point of form. It is proposed to suppress the denomination of Agents and Commissaries, wherever they are announced in the following articles.

Although Mr. Jefferson appears desirous that all the respective Consuls and Vice Consuls should be named by the sovereign, inconvenience appears to us on this head. All those who are actually established in America have the King's commission. It is also very advantageous that this should be the case, to permit too great multiplication of American Vice Consuls in France. Therefore the words, *or by authority*, are suppressed, and the 2d article of the old project totally. But it appears necessary to reserve to Consuls and Vice Consuls the right of naming Agents in the ports of their districts to correspond with them, without the said Agents having any public character or exequatur.

It is proposed to make some slight alterations in this article. It appears necessary to grant Consuls some immunities, but these are not dangerous, when the cases of crimes or debts are excepted. As to the papers of the chancery, it is impossible for any nation to refuse the fullest immunity; submission to all taxes has been added with respect to those who shall exercise commerce. It is remarked, on the subject of seizure for debts, that the civil laws of France extend greater personal security than the civil laws of England or America, bodily restraint not generally taking place but for commercial debts; and moreover no person can be arrested in France for debt before being heard, or at least cited judicially, with sufficient delay for his defence. It seems proper

and Vice Consuls which they have judged it convenient to establish, of preference his most Christian Majesty has nominated the Sieur _____, and the United States have nominated _____, who, after having communicated to each other their respective full powers, have agreed on what follows:

ARTICLE I. The Consuls and Vice Consuls named by the most Christian King and the United States shall be bound to present their commissions according to the form which shall be established respectively by the most Christian King within his dominions, and by the Congress within the United States, there shall be delivered to them, without any charges, the exequatur necessary for the exercise of their functions, and on exhibiting the said exequatur, the governors, commanders, heads of justice, bodies-corporate, tribunals, and other officers having authority in the ports and places of their consulate, shall cause them to enjoy, immediately and without difficulty, the preëminences, authority, and privileges, reciprocally granted, without exacting from the said Consuls and Vice Consuls any duty under any pretence whatever.

ARTICLE II. The Consuls and Vice Consuls, and all persons attached to the Consular functions, shall respectively enjoy personal immunity, excepting in cases of crimes or debts. They shall also enjoy a full and entire immunity for their chancery and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia watch, guards, guardianship, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the real and personal estate of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals; and in all other instances they shall be subject to the laws of the land as the natives are. Those of the said

that Congress should take some measures to protect Consuls and Vice Consuls from the inconveniences which may happen to foreigners from the forms established in the United States. For this purpose they ought to be considered as being always under the immediate protection of the legislature of the country, and not in want of any particular security.

It is proposed to let the 3d article subsist by suppressing the addition made to the 12th article.

A few words only have been altered, and the order of some phrases been changed, to explain this article, and remove Mr. Jefferson's doubts.

It is proposed to suppress the addition of the words, *in all cases which only concern persons of the same nation*, this

Consuls and Vice Consuls who shall exercise commerce shall be respectively subject to all taxes, charges, and impositions established on other merchants.

They shall place over the outward door of their house the arms of their sovereign; but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ARTICLE III. The respective Consuls and Vice Consuls may establish Agents in the different ports and places of their departments, where necessity shall require. These Agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls. They shall confine themselves, respectively, to the sending to their respective merchants, navigators, and vessels, all possible service, and to inform the nearest Consul of the want of the said merchants, navigators, and vessels, without the said Agents otherwise participating in the immunities, rights, and privileges attributed to Consuls and Vice Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emoluments whatsoever.

ARTICLE IV. The Consuls and Vice Consuls, respectively, may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by or between persons of their nation, and effects left by death or saved from shipwreck.

They may, in consequence, appoint, for the business of the said chancery, capable persons, receive them, administer an oath to them, give to them the keeping of the seal, and the rights of sealing commissions, judgments, and other acts of the consulate, as well as there to discharge the functions of notaries and registers of the consulate.

ARTICLE V. The Consuls and Vice Consuls, respectively, shall have the exclusive right of receiving in their

being advantageous alike to both parties. An act done in the consulate may also answer the purpose of the inhabitants of the country to validate a fact, and serve as a proof, if not obligatory.

chancery, or on board the vessels, the declarations and all the other acts which the captains, masters, crews, passengers, and merchants, of their nation may choose to make there, even their testaments and other disposals by last will. And the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls under the seal of their consulate, shall receive faith in law, equally as their originals would, in all the tribunals of the dominions of the most Christian King and the United States.

In case of the absence of the testamentary executor, guardian, or lawful representative, they shall also have, exclusively, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or, for want of them, of any other at their choice, and shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them, or interfere therein in any manner whatsoever; but the said Consuls and Vice Consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful representatives, nor to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditor shall have a right to attach the said effects in their hands, as they might in those of any other individual whatever, and proceed to obtain sale of them, till payment of what shall be lawfully due to them; when the debts *shall not have been* contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety, resident in the country, to refund the sums he shall have unduly received, principal, interest, and cost; which surety, nevertheless, shall stand duly discharged after a year,

in time of peace, and two years, in time of war, if the demand in discharge cannot be formed before these delays against the heirs, which shall present themselves. And in order that the representative may not unjustly be kept out of the effects of the deceased, the Consuls and Vice Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months, to answer all just demands which shall be presented; and they shall be bound, after this delay, to deliver to the persons succeeding thereto what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI. The Consuls and Vice Consuls, respectively, shall receive the declarations, protests, and reports, of all captains and masters of their respective nations, on account of average losses sustained at sea, and these captains and masters shall lodge in the chancery of the said Consuls and Vice Consuls, the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most Christian King, and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice Consuls; but when only the subject or citizens of their own nation shall be interested, the respective Consuls or Vice Consuls shall appoint skilful persons to regulate the damages and averages.

ARTICLE VII. In cases where, by tempests or other accidents, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most Christian King, the Consul or Vice Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo, and appurtenances, as for the storing and the

security of the effects and merchandize saved. He may take an inventory of them, without the intermeddling of any officers of the military, of the customs, of justice, of the police of the country, otherwise than to give to the Consuls, Vice Consuls, captains, and crew of the vessels shipwrecked or stranded, all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved, as to prevent all disturbance.

And in order to prevent any kind of dispute and discussion in the said cases of shipwreck, it has been agreed that where no Consul or Vice Consul shall be found to attend to the salvage, or that the residence of the said Consul or Vice Consul (he not being at the place of shipwreck) shall be further distant from the said place than that of the competent territorial judge, the latter shall immediately then proceed therein with all the celerity, safety, and precaution, prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice Consul, and shall deliver over to him the report of his proceeding, the expenses of which the Consul or Vice Consul shall cause to be reimbursed to him as well as those of salvage.

The merchandize and effects saved shall be deposited in the custom-house, or other nearest place of safety, with the inventory of them which shall have been made by the Consul or Vice Consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may be afterwards delivered, after levying therefrom the costs, and without form of process to the owners, who being furnished with a replevy from the nearest Consul or Vice Consul, shall reclaim them by themselves, or by their attorneys, either for the purpose of reexporting the merchandize, and in that case they shall pay no duties of exportation, for the purpose of selling them in the country if they are not prohibited, and in this

latter case, the said merchandize being averaged, there shall be granted them an abatement of the entrance duties, proportioned to the damage sustained, which shall be ascertained by the verbal process formed at the time of the shipwreck, or of the vessels running ashore.

ARTICLE VIII. The Consuls and Vice Consuls shall exercise the police over all the vessels of their respective nations, and shall have on board the said vessel all power and jurisdiction in civil matters in all the disputes which may there arise. They shall have an entire inspection over the said vessels, their crews, and the changes and substitutions there to be made, and there shall cause to be executed the respective laws, ordinances, and rules concerning navigation; for which purpose they shall go on board the said vessels whenever they may judge it necessary, without interruption from any officer or other person whatsoever.

ARTICLE IX. The Consuls and Vice Consuls may cause to be arrested, the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nation, who shall have deserted from the said vessels, in order to send them back and transport them out of the country; for which purpose the said Consuls and Vice Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the registers of the vessels or ship's roll, that those men were part of the said crews, and on this demand, thus proved, the delivery shall not be refused, and there shall be given all aid and assistance to the said Consuls and Vice Consuls, for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of

It is proposed to restore this article, which is nearly reduced as it was in the first project. It is absolutely impossible to refuse the Consul civil jurisdiction aboard the vessels belonging to his nation, and over the same crew. This would be the more unreasonable, as by the following articles this same civil jurisdiction is granted to him over residents ashore belonging to his nation, and it is much more reasonable that he ought to preserve it over such as remain under the national flag. The exercise of maritime police over national vessels is the principal function of Consuls.

This article, relating to the delivery of the sailors, deserters, appears as though it ought to be detached from the preceding one; it has been endeavored to reduce it to a simple form, and to prevent all difficulty by regulating the recourse of the Consuls to the territorial magistrates. No mention has been made of the passengers, as it appeared not proper to insist on this matter. The deserters from the King's ships are not distinguished from those belonging to merchant vessels. The Consuls can claim both in the same manner. The part which concerned sending back the vessels has been totally omitted.

This explanation of Mr. Jefferson may be left. The expression, breach of the peace, being the literal translation of the English expression suitable to this article.

It is proposed to add this article in order to prevent the inconveniences that might result from the liberty which the territorial magistrates might have to arrest the crews of merchant vessels, and then arbitrarily detain the vessels in the port, and by that means suspend all activity in commerce and navigation. The advice given to the Consuls or Vice Consuls, that all these acts of authority be done only in their presence, by no means suspends the course of justice, seeing he cannot oppose it, but he will be in a situation to make claims which will prevent the effect of surprises which might be attempted on the local magistrates, by demanding from them decrees or warrants, the fatal consequences of which they might be left in ignorance of. The Consuls and Vice Consuls, duly notified, might legally proceed according to circumstances for the general interests of commerce, and those of their nation in particular.

The last part of this article is important; it does not appear that there can be any difficulty in delivering to the Consuls or Vice Consuls, the persons arrested under the flag of their nation, when there shall be no longer any occasion to detain them in the territorial prisons, and consequently the justice of the country shall have no further right over them. The precaution taken in this article is necessary to prevent desertion; without which a sailor who wished to desert might concert measures with a person of

arrest, they shall be set at liberty, and shall no more be arrested for the same cause.

ARTICLE X. In cases where the respective subjects or citizens shall have committed any crime or breach of the peace, they shall be amenable to the judges of the country.

ARTICLE XI. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board their said vessels, they may be there seized and arrested, but the delivery shall be first demanded by the territorial magistrates from the Consuls of their nation, who shall not refuse it, and whenever it shall be judged necessary to make inquiry and search on board the said merchant vessels, such cannot be made but in the presence of the said Consuls and Vice Consuls, or until after they shall have been informed and invited to repair on board. But at any rate no person can be seized or arrested, either on account of crimes, debts, or for any other causes whatsoever, on board the said vessels, but in presence of the said Consuls or Vice Consuls, or until after they shall have been duly notified. The said persons thus seized and arrested shall not afterwards be set at liberty until the Consul or Vice Consul shall have been notified thereof, and they shall be delivered to him, if he requires it, to be put again on board the vessels in which they were arrested, or others of their nation, to be sent out of the country.

the country to be arrested for a supposed debt, remain in prison until the sailing of the vessel, and afterwards set at liberty. This reprehensible manœuvre has been practised already.

It is contrary to all the principles of the right of nations, that the civil and military magistrates exercise any authority whatever on board the vessels of war belonging to a friendly nation, and this article is conformable to regulations with other nations, particularly with what has been agreed to in the project of a Convention with the Republic of Genoa.

This article is the 9th of Mr. Jefferson's project. Some words have only been added to designate in a more particular manner, the affairs between the crews of vessels belonging to the same nation which appertains in a special manner to the consular jurisdiction. It is proposed to retrench the words, *if one of the parties demand it*, because the recourse to foreign tribunals in such cases is absolutely illegal for Frenchmen.

ARTICLE XII. No search shall in anywise be made on board of the respective ships of war. But if there is reason to suppose that offenders have taken refuge on board them, the delivery shall be demanded by the magistrates or territorial officers, from the Consul or Vice Consul of the nation, or from the commanders of the said vessels. In the ports where there shall be no Consul or Vice Consul, the said commanders shall not refuse to deliver up the offenders, and send them ashore to be put into the hands of the magistrates or officers. In case the commanders of the aforesaid vessels of war should declare that the offenders are not on board their vessels, they shall be believed on their words, without any further search being made.

ARTICLE XIII. All differences and suits between the subjects of the most Christian King in the United States, or between the citizens of the United States within the dominions of the most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice Consuls, either by a reference to arbitrators or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ARTICLE XIV. The general utility of commerce having caused to be established

within the dominions of the most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide in the manner the most conformable to its laws, equivalent advantages in favor of the French merchants for the prompt despatch and decision of affairs of the same nature.

ARTICLE XV. The subjects of the most Christian King and citizens of the United States, who shall prove by legal evidence that they are of the said nations, respectively, shall, in consequence, enjoy an exemption from all personal service in the place of their settlement.

ARTICLE XVI. If any other nation require, by virtue of any convention whatever, a treatment more favorable with respect to the consular prééminences, powers, authority, privileges, the Consuls and Vice Consuls of the most Christian King or of the United States, reciprocally, shall participate therein, agreeable to the terms stipulated by the 2d, 3d, and 4th articles of the treaty of amity and commerce concluded between the most Christian King and the United States.

ARTICLE XVII. The present convention shall be in full force during the term of twelve years, to be counted from the day of the exchange of the ratifications, which shall be in proper form and exchanged on both sides within the space of one year, or sooner, if possible.

In faith whereof, &c.

ARTICLE I. Agreed.

ARTICLE II. The words, "*jouiront respectivement de l'immunité personnelle, sauf les cas de crimes ou de dettes,*" are omitted. Two descriptions of persons are well known to the laws of both countries: 1st. Those subject to the laws of the land; and, 2d. Those subject only to the laws of nations. The obligations and the privileges of each of these are so well settled that few or no disputes can arise

about them. But a middle character between the two would be new and unknown, and would introduce endless questions and discussions. If it be thought that the words, "*sauf les cas de crimes ou de dettes*," replace them freely under the law of the land, then the whole passage is useless. If the exception be as broad as the rule, both may be omitted. But in truth the exception as to "crimes and debts" would not replace them fully under the laws of the land; for, 1. They would not be obliged to give testimony in a court of justice. 2. They are cases of trespass, of trust, and of special contract, not included in a strict and legal acceptation of the terms "crimes and debts," and in which, therefore, they would be exempted from the justice of the country.

It is proposed, also, to omit the words "*toutes les personnes attachées aux fonctions consulaires*," to prevent the abuses which would inevitably arise from an extension of the consular immunities to an indefinite number of persons. The subordinate characters really attached to the consulate will be completely protected against avocation from their duties, or molestation in the exercise of them by the fifteenth article, "exempting them from all personal services," which is all that can be desired, if they be foreigners, and which ought not to be desired if they be natives. For no native should have it in his power to withdraw himself from an obedience to the laws of his country while he remains in it.

ARTICLE III. Agreed.

ARTICLE IV. Agreed.

ARTICLE V. Agreed, only reëstablishing the words "*comme le feraient*" instead of "*'et auront la même force que.'*"

ARTICLE VI. Agreed.

ARTICLE VII. Agreed.

ARTICLE VIII. This article proposes to give to Consuls, 1st. Civil jurisdiction on board their vessels; 2d. A power to execute the ordinances relative to navigation; 3d. A right to go on board for these purposes at all times, without hindrance. The first and third of these admit of no difficulty; but the second could not be agreed to, because it establishes a whole code at once, the contents of which are unknown to the party within whose territory it is to be executed. When each concedes to the other a civil jurisdiction within its own ports, it knows the extent of its concession; but when it permits the enforcement of all the navigation laws of the

other in a lump, it does not know what it concedes. They may include a criminal jurisdiction; they may be contrary to bills of rights, or, if not so at present, they may be hereafter. It is surely prudent and honorable for us to stipulate to each other only what we know we can execute. But we do not know we can execute, if we do not know what we stipulate.

ARTICLE IX. Agreed, with two alterations: 1st. Omitting the words "*et autres personnes*," because the others, "*capitaines, officiers, mariniers et matelots*," are supposed to comprehend the whole crew. If they do not, it will be better to add other specifications, rather than words so indefinite as "*autres personnes*;" 2d. Omitting "*par l'exhibition des registres du bâtiment ou rôle d'équipage*." I suppose that the legal construction of these words must be weaker under the laws of France than of the United States; otherwise they would not be proposed. Their effect in the United States would be to make the ship's roll so conclusive that no contrary evidence could be opposed to it. A master of a ship, for instance, inserting in his roll the name of a citizen of the United States who had never seen his ship; that citizen must be delivered to him, if these words were to remain. It is not probable, indeed, that the master of a ship would be so indiscreet; but neither is it proper to rest personal liberty on the discretion of a master of a ship. Without these words, the clause will stand "*en justifiant que ses hommes faisaient partie des susdits équipages*;" his claims may then be supported and contested, as all other claims may be, by every species of legal evidence. He will stand on the same footing with native officers reclaiming their deserted sailors.

ARTICLE X. Agreed.

ARTICLE XI. This article proposes, 1st. That there shall be no arrest for crimes or debts, but in presence of the Consul or Vice Consul; 2d. That no ship shall be searched but in his presence. These propositions are new. The principle on which we have proceeded hitherto has been that, in all cases, where the nation or any member of it, is concerned, the national jurisdiction shall have free and unrestrained course. But this article proposes to clog it with applications to the foreign Consul, and that it shall await his attendance, if he chooses to attend. How quickly he may attend, will depend on his being readily found, on his being disengaged, on his distance from the ship, on his personal activity and good faith.

Some, or all of these circumstances, will generally give full time for the criminal or debtor to escape, or for the contraband goods to be withdrawn.

That part of this article which is intended to prevent a collusive desertion of sailors, not being liable to the same objections, is agreed to, as follows: "*Lorsque les dits coupables feront partie, de l'équipage de l'un des bâtiments de leur nation, ils ne pourront être ensuite mis en liberté qu'après que le Consul ou Vice Consul, en aura été prévenu et ils lui seront remis, s'il le requiert, pour être reconduits sur les bâtiments ou ils auraient été arrêtés ou autres de leur nation, et être renvoyés hors du pays.*"

ARTICLE XII. This article is new also, and liable to the same objections with the preceding, and in a higher degree, as rendering the ports of the two nations still more completely extra-territorial. The clause which would make the captain's word conclusive evidence that the criminal who is seen standing on his deck, is not there, comes under all the objections which were made in a former paper, to whatever should control a fair and full investigation of a fact. Our laws permit every species of proof to be opposed by counter proof. The convention of the neutral Powers in the late war, made the captain's word conclusive evidence, that no contraband goods were on board the vessels under his convoy; but this in cases arising on the high seas. The sea belongs to no nation. No nation, therefore, has a natural right to search the ships of another on the high seas. The contrary practice has been an abuse, and the abandonment of it is a reformation of that abuse, a reestablishment of natural right. But the ports of a nation are a part of its territory. They are often within the body of a town, and an immunity from the restraint of law granted to strangers within the port would be as productive of disorder as if granted to those in the town or in the country. All judges, civil and criminal, derive their authority from the sovereign of the country wherein they act. For the encouragement of commerce, it is become usual to permit, by conventions, foreign merchants of the same country to refer their disputes to a judge of their own. But in criminal cases, in cases which interest numbers of their own, or any other State, or the State itself, it is apprehended not to be the practice for the nation to part with its authority, and that neither order nor justice would be promoted by it. Particularly to leave to the discretion of a captain, whether his

ship shall be an asylum for fugitive debtors, whether the disorders or crimes committed by his sailors, or by others taking refuge in his ship, should be punished or not, cannot be a means of encouraging the commerce between the two nations, nor promote the interest or honor of either. Nor has the impunity any relation to the functions of a Consul, which are the sole object of the present convention.

ARTICLES XIII, XIV, XV, XVI, and XVII. Agreed.

No. 4.

SECOND FORM PROPOSED ON THE PART OF THE UNITED STATES.

Convention between his most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls.

His Majesty the most Christian King and the United States of America having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, mutually granted the liberty of having in their respective States and ports Consuls, Vice Consuls, Agents, and Commissaries; and being willing, in consequence thereof, to define and establish in a reciprocal and permanent manner, the functions and prerogatives of Consuls and Vice Consuls, which they have judged it convenient to establish of preference, his most Christian Majesty has nominated the Sieur _____, and the United States have nominated _____, who, after having communicated to each other their respective full powers, have agreed on what follows:

ARTICLE I. The Consuls and Vice Consuls named by the most Christian King and the United States, shall be bound to present their commissions, according to the forms which shall be established respectively by the most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them without any charges, the exequatur necessary for the exercise of their functions; and on exhibiting the said exequatur, the governors, commanders, heads of justice, bodies corporate, tribunals, or other officers having authority in the ports and places of their consulates, shall cause them to enjoy, immediately and without

difficulty, the preëminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice Consuls any fee under any pretext whatever.

ARTICLE II. The Consuls and Vice Consuls shall enjoy a full and entire immunity for their chancery, and the papers therein contained. They shall be exempt from all personal service, from soldiers' billets, militia watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate, real and personal, of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals; and in all other instances they shall be subject to the laws of the land as the natives are.

Those of the said Consuls and Vice Consuls, who shall exercise commerce, shall be respectively subject to all taxes, charges, and impositions established on other merchants.

They shall place over the outward door of their houses the arms of their sovereign, without that this mark of distinction shall give to the said houses the right of asylum for any person or property whatsoever.

ARTICLE III. The respective Consuls and Vice Consuls may establish agents in the different ports and places of their departments when necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls. They shall confine themselves respectively to the rendering to their respective merchants, navigators, and vessels all possible service, and to inform the nearest Consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities attributed to Consuls and Vice Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emolument whatever.

ARTICLE IV. The respective Consuls and Vice Consuls may establish a chancery, where shall be deposited the consular deliberations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by, or between persons of their nations, and effects left by deceased persons, or saved from shipwreck.

They may consequently appoint for the business of the said chancery capable persons, receive them, administer an oath to them,

give to them the keeping of the seal, and the right of sealing commissions, judgments, and other consular acts, as well as there to discharge the functions of notaries and registers of the consulate.

ARTICLE V. The respective Consuls and Vice Consuls shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, seamen, passengers, and merchants of their nation would make there, even their testaments and other dispositions of last will; and in the copies of the said acts duly authenticated by the said Consuls or Vice Consuls, under the seal of their consulate, shall receive faith in law equally as their originals would, in all the tribunals of the dominions of the most Christian King and the United States.

They shall also have, and exclusively, in case of the absence of the testamentary executor, guardian, or lawful heirs, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or for want of them, of any other at their choice; shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them, or interfere therein, in any manner whatsoever; but the said Consuls or Vice Consuls shall not deliver up the said effects, nor the proceeds thereof, to the lawful representatives, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country; for which purpose the creditors shall have a right to attach the said effects in their hands as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety resident in the country to refund the sums he shall have unduly received, principal, interest, and costs, which surety shall, nevertheless, remain duly discharged after a year in time of peace, and two years in time of war, if the demand in discharge cannot be formed before these delays against the heirs which shall present themselves.

And in order that the representatives may not be unjustly kept out of the effects of the deceased, the Consuls and Vice Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months to answer all just demands which shall be presented; and they shall be bound, after this delay, to deliver to the persons succeeding thereto, what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI. The respective Consuls and Vice Consuls shall receive the declarations, protests, and reports of all captains and masters of their respective nations, on account of average losses sustained at sea; and these captains and masters shall lodge in the chancery of the said Consuls and Vice Consuls, the acts which may have happened to them on their voyage. If a subject of the most Christian King, and a citizen of the United States or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice Consuls; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls or Vice Consuls shall appoint skilful persons to settle the damage and average.

ARTICLE VII. In cases where, by tempests or other accidents, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most Christian King, the Consul or Vice Consul nearest to the place of shipwreck shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and security of the effects and merchandize saved. He may take an inventory of them without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give the Consuls, Vice Consuls, captains and crew of the vessel or ship wrecked or stranded all the succor and favor which they shall ask of them, either for the expedition and security of the saving of the effects saved, as to prevent all disturbance.

To prevent even any kind of dispute and discussion in the said cases of shipwreck it has been agreed that where no Consul or Vice Consul shall be found to attend to the salvage, or that the residence of the said Consul or Vice Consul (he not being at the place of shipwreck) shall be further distant from the said place than that of

the competent territorial Judge, the latter shall immediately proceed therein with all the celerity, safety, and precaution prescribed by the respective laws; but the said territorial Judge shall retire on the coming of the Consul or Vice Consul, and shall resign to him the procedures by him done, the expenses of which the Consul or Vice Consul shall cause to be reimbursed to him, as well as those of saving the wreck.

The merchandize and effects saved shall be deposited in the custom-house, or other nearest place of safety, with the inventory thereof, which shall be made by the Consul or Vice Consul, or, in their absence, by the Judge who shall have had cognizance thereof, that the said effects and merchandize may afterwards be delivered, after levying therefrom the costs, and without form of process, to the proprietors, who, being furnished with a replevy from the nearest Consul or Vice Consul, shall reclaim them by themselves, or by their attorneys, either for the purpose of reëxporting the merchandizes—and in that case they shall pay no kind of duties of exportation—or for the purpose of selling them in the country, if they are not prohibited; and in this latter case, the said merchandize being averaged, there shall be granted them an abatement of the entrance duties proportioned to the damage sustained, which shall be ascertained by the verbal process formed at the time of the shipwreck or of the vessel's running ashore.

ARTICLE VIII. The Consuls and Vice Consuls shall have on board of the vessels of their respective nations all power and jurisdiction in civil matters; and for this purpose they may go there without being interrupted by any officer or other person whatsoever.

ARTICLE IX. The Consuls and Vice Consuls may cause to be arrested the captains, officers, mariners, sailors of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice Consuls shall address themselves to the competent tribunals, judges, and officers, and shall demand from them the said deserters in writing, proving that those men made a part of the said crew; and on this demand, so proved, the delivery shall not be refused; and there shall be given all aid and assistance to the said Consuls and Vice Consuls for the search, seizure, and arrest of the said deserters, who

shall even be detained and kept in the prisons of the country, at their request and expenses, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of arrest, they shall be set at liberty, and be no more arrested for the same cause.

ARTICLE X. In cases where the respective subjects or citizens shall have committed any crime or breach of the peace, they shall be amenable to the judges of the country.

ARTICLE XI. When the said offenders shall be a part of the crew of the vessel of their nation, they shall not afterwards be set at liberty until the Consul or Vice Consul shall have been notified thereof; and they shall be delivered to him if he requires it, to be put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ARTICLE XII. All differences and suits between the subjects of the most Christian King in the United States, or between the citizens of the United States within the dominions of the most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences of whatever nature they be which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice Consuls, either by a reference to arbitration or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ARTICLE XIII. The general utility of commerce having caused to be established within the dominions of the most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide in the manner most conformable to its laws equivalent advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV. The subjects of the most Christian King and the citizens of the United States who shall prove by legal evidence that

they are of the said nation respectively, shall in consequence enjoy an exemption from all personal service in the place of their settlements.

ARTICLE XV. If any other nation requires by virtue of any convention whatever, a treatment more favorable with respect to the consular preëminences, powers, authority, and privileges, the Consuls and Vice Consuls of the most Christian King, or of the United States reciprocally shall participate therein, agreeably to the terms stipulated by the 2d, 3d, and 4th articles of the treaty of amity and commerce concluded between the most Christian King and the United States.

ARTICLE XVI. The present convention shall be in force during the term of twelve years, to be counted from the day of the exchange of ratifications, which shall be given in proper form, and exchanged on both sides within the space of one year or sooner if possible.

In faith, whereof, &c.

No. 5.

CONSULAR CONVENTION.

Convention between his most Christian Majesty and the United States of America, for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls.

His Majesty the most Christian King and the United States of America having, by the twenty-ninth article of the treaty of amity and commerce, concluded between them, mutually granted the liberty of having, in their respective States and ports, Consuls, Vice Consuls, Agents, and Commissaries, and being willing, in consequence thereof, to define and establish in a reciprocal and permanent manner the functions and privileges of Consuls and Vice Consuls, which they have judged it convenient to establish of preference, his most Christian Majesty has nominated the Sieur Count of Montmorin of St. Herent, Mareschal of his Camps and Armies, Knight of his Orders and of the Golden Fleece, his Counsellor in all his Councils, Minister and Secretary of State and of his Commandments and Finances, having the Department of Foreign Affairs, and the United

States have nominated Thomas Jefferson, citizen of the United States of America and their Minister Plenipotentiary near the King, who, after having communicated to each other their respective full powers, have agreed on what follows :

ARTICLE I. The Consuls and Vice Consuls named by the most Christian King and the United States, shall be bound to present their commissions, according to the forms which shall be established respectively by the most Christian King within his dominions, and by the Congress within the United States. There shall be delivered to them, without any charges, the exequatur necessary for the exercise of their functions; and on exhibiting the said exequatur, the governors, commanders, heads of justice, bodies corporate, tribunals, and other officers having authority in the ports and places of their consulates, shall cause them to enjoy, immediately and without difficulty, the preëminences, authority, and privileges reciprocally granted, without exacting from the said Consuls and Vice Consuls any fee under any pretext whatever.

ARTICLE II. The Consuls and Vice Consuls, and persons attached to their functions, that is to say, their Chancellors and Secretaries, shall enjoy a full and entire immunity for their chancery, and the papers which shall be therein contained. They shall be exempt from all personal service, from soldiers' billets, militia watch, guard, guardianship, trusteeship, as well as from all duties, taxes, impositions, and charges whatsoever, except on the estate, real and personal, of which they may be the proprietors or possessors, which shall be subject to the taxes imposed on the estates of all other individuals; and in all other instances they shall be subject to the laws of the land as the natives are.

Those of the said Consuls and Vice Consuls, who shall exercise commerce, shall be respectively subject to all taxes, charges, and impositions established on other merchants.

They shall place over the outward door of their house the arms of their sovereign, but this mark of indication shall not give to the said house any privilege of asylum for any person or property whatsoever.

ARTICLE III. The respective Consuls and Vice Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a com-

mission from one of the said Consuls. They shall confine themselves respectively to the rendering to their respective merchants, navigators, and vessels all possible service, and to inform the nearest Consul of the wants of the said merchants, navigators, and vessels, without the said agents otherwise participating in the immunities, rights, and privileges attributed to Consuls and Vice Consuls, and without power, under any pretext whatever, to exact from the said merchants any duty or emolument whatsoever.

ARTICLE IV. The Consuls and Vice Consuls respectively may establish a chancery, where shall be deposited the consular determinations, acts, and proceedings, as also testaments, obligations, contracts, and other acts done by, or between persons of their nation, and effects left by decedents, or saved from shipwreck.

They may consequently appoint fit persons to act in the said chancery, qualify, and swear them in, commit to them the custody of the seal, and authority to seal commissions, sentences, and other consular acts, and also to discharge the functions of notaries and registers of the consulate.

ARTICLE V. The Consuls and Vice Consuls respectively shall have the exclusive right of receiving in their chancery, or on board their vessels, the declarations and all other the acts which the captains, masters, crews, passengers, and merchants of their nation may choose to make there, even their testaments and other disposals by last will; and the copies of the said acts duly authenticated by the said Consuls or Vice Consuls, under the seal of their consulate, shall receive faith in law equally as their originals would, in all the tribunals of the dominions of the most Christian King and of the United States.

They shall also have, and exclusively, in case of the absence of the testamentary executor, guardian, or lawful representative, the right to inventory, liquidate, and proceed to the sale of the personal estate left by subjects or citizens of their nation, who shall die within the extent of their consulate; they shall proceed therein, with the assistance of two merchants of their said nation, or for want of them, of any other at their choice; and shall cause to be deposited in their chancery the effects and papers of the said estates; and no officer, military, judiciary, or of the police of the country, shall disturb them, or interfere therein, in any manner whatsoever; but the said Consuls and Vice Consuls shall not deliver up the said effects, nor the proceeds

thereof, to the lawful representatives, or to their order, till they shall have caused to be paid all debts which the deceased shall have contracted in the country ; for which purpose the creditors shall have a right to attach the said effects in their hands as they might in those of any other individual whatever, and proceed to obtain sale of them till payment of what shall be lawfully due to them. When the debts shall not have been contracted by judgment, deed, or note, the signature whereof shall be known, payment shall not be ordered but on the creditor's giving sufficient surety resident in the country to refund the sums they shall have unduly received, principal, interest, and costs, which surety, nevertheless, shall stand duly discharged after the term of one year in time of peace, and of two in time of war, if the discharge cannot be formed before the end of this term against the representatives who shall present themselves.

And in order that the representatives may not be unjustly kept out of the effects of the deceased, the Consuls and Vice Consuls shall notify his death in some one of the gazettes published within their consulate, and that they shall retain the said effects in their hands four months, to answer all just demands which shall be presented ; and they shall be bound, after this delay, to deliver to the persons succeeding thereto what shall be more than sufficient for the demands which shall have been formed.

ARTICLE VI. The Consuls and Vice Consuls respectively shall receive the declarations, protests, and reports of all captains and masters of their respective nation, on account of average losses sustained at sea ; and these captains and masters shall lodge in the chancery of the said Consuls and Vice Consuls the acts which they may have made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of the most Christian King and a citizen of the United States, or a foreigner, are interested in the said cargo, the average shall be settled by the tribunals of the country, and not by the Consuls or Vice Consuls ; but when only the subjects or citizens of their own nation shall be interested, the respective Consuls or Vice Consuls shall appoint skilful persons to settle the damages and average.

ARTICLE VII. In cases where, by tempests or other accidents, French ships or vessels shall be stranded on the coasts of the United States, and ships or vessels of the United States shall be stranded on the coasts of the dominions of the most Christian King, the Consul

or Vice Consul nearest to the place of shipwreck, shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and security of the effects and merchandize saved. He may take an inventory of them without the intermeddling of any officers of the military, of the customs, of justice, or of the police of the country, otherwise than to give to the Consuls, Vice Consuls, captain, and crew of the vessel shipwrecked or stranded all the succor and favor which they shall ask of them, either for the expedition and security of the saving and of the effects saved as to prevent all disturbance.

And in order to prevent all kind of dispute and discussion in the said cases of shipwreck, it is agreed that when there shall be no Consul or Vice Consul to attend to the saving of the wreck, or that the residence of the said Consul or Vice Consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed therein with all the despatch, certainty, and precautions prescribed by the respective laws; but the said territorial judge shall retire on the arrival of the Consul or Vice Consul, and shall deliver over to him the report of his proceedings, the expenses of which the Consul or Vice Consul shall cause to be reimbursed to him, as well as those of saving the wreck.

The merchandize and effects saved shall be deposited in the nearest custom-house or other place of safety, with the inventory thereof, which shall be made by the Consul or Vice Consul, or by the judge who shall have proceeded in their absence, that the said effects and merchandize may afterwards be delivered, after levying therefrom the costs, and without form of process to the owners, who being furnished with an order for their delivery from the nearest Consul or Vice Consul, shall reclaim them by themselves, or by their order, either for the purpose of reexporting such merchandize, in which case they shall pay no kind of duty of exportation; or for that of selling them in the country, if they be not prohibited there; and in this last case the said merchandize, if they be damaged, shall be allowed an abatement of entrance duties, proportioned to the damage they have sustained, which shall be ascertained by the affidavits taken at the time the vessel was wrecked or struck.

ARTICLE VIII. The Consuls and Vice Consuls shall exercise police over all the vessels of their respective nations, and shall have

on board the said vessels all power and jurisdiction in civil matters, in all the disputes which may there arise; they shall have an entire inspection over the said vessels, their crew, and the changes and substitutions there to be made. For which purpose they may go on board the said vessels whenever they may judge it necessary. Well understood that the functions hereby allowed shall be confined to the interior of the vessels, and that they shall not take place in any case which shall have any interference with the police of the ports where the said vessels shall be.

ARTICLE IX. The Consuls and Vice Consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back, and transport them out of the country. For which purpose the said Consuls and Vice Consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll that those men were part of the said crews; and on this demand, so proved, (saving, however, where the contrary is proved,) the delivery shall not be refused, and there shall be given all aid and assistance to the said Consuls and Vice Consuls, for the search, seizure, and arrest of the said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ARTICLE X. In cases where the respective subjects or citizens shall have committed any crime or breach of the peace, they shall be amenable to the judges of the country.

ARTICLE XI. When the said offenders shall be a part of the crew of a vessel of their nation, and shall have withdrawn themselves on board the said vessel, they may be there seized and arrested by order of the judges of the country. These shall give notice thereof to the Consul or vice Consul, who may repair on board, if he thinks proper; but this notification shall not in any case delay execution of the order in question. The persons arrested shall not afterwards be set at liberty until the Consul or Vice Consul shall have been notified thereof, and they shall be delivered to him, if he requires it, to be

put again on board of the vessel on which they were arrested, or of others of their nation, and to be sent out of the country.

ARTICLE XII. All differences and suits between the subjects of the most Christian King in the United States, or between the citizens of the United States within the dominions of the most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nation, shall be determined by the respective Consuls and Vice Consuls, either by a reference to arbitrators or by a summary judgment, and without costs. No officer of the country, civil or military, shall interfere therein, or take any part whatever in the matter; and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States, to whom it may appertain to take cognizance thereof.

ARTICLE XIII. The general utility of commerce having caused to be established within the dominions of the most Christian King particular tribunals and forms for expediting the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments; and the Congress of the United States will provide, in the manner the most conformable to its laws, equivalent advantages in favor of the French merchants for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV. The subjects of the most Christian King and citizens of the United States who shall prove, by legal evidence, that they are of the said nation respectively, shall, in consequence, enjoy an exemption from all personal service in the place of their settlement.

ARTICLE XV. If any other nation acquires, by virtue of any convention whatever, a treatment more favorable with respect to the consular preëminences, powers, authority, and privileges, the Consuls and Vice Consuls of the most Christian King or of the United States, reciprocally, shall participate therein, agreeable to the terms stipulated by the 2d, 3d, and 4th articles of the treaty of amity and commerce concluded between the most Christian King and the United States.

ARTICLE XVI. The present convention shall be in full force during the term of twelve years, to be counted from the day of the

exchange of ratifications, which shall be given in proper form and exchanged on both sides within the space of one year, or sooner, if possible.

In faith whereof we, Ministers Plenipotentiary, have signed the present convention, and have thereto set the seal of our arms.

Done at Versailles, the 14th of November, one thousand seven hundred and eighty-eight.

L. C. DE MONTMORIN, [L. s.]

TH: JEFFERSON, [L. s.]

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, November 19, 1788.

Sir,

Since my letter of September 5, wherein I acknowledge Mr. Remsen's favor of July 25, I have written those of September 24 and of the 14th instant. This last will accompany the present, both going by the way of London for want of a direct opportunity; but they go by a private hand.

No late event worth notice has taken place between the Turks and Austrians. The former continue in the territories of the latter with all the appearances of superiority. On the side of the Russians, the war wears an equal face, except that the Turks are still masters of the Black sea. Oczakow is not yet taken. Denmark furnished to Russia its stipulated quota of troops with so much alacrity, and was making such other warlike preparations, that it was believed they meant to become principals in the war against Sweden. Prussia and England hereupon interposed efficiently. Their Ministers appointed to mediate, gave notice to the Court of Copenhagen that they would declare war against them in the name of their sovereigns, if they did not immediately withdraw their troops from the Swedish territories. The Court of London has since said that their Minister (Elliott) went further in this than he was authorized; however, the Danish troops are retiring. Poland is augmenting its army from twenty to an hundred thousand men. Nevertheless, it seems as if England and Prussia meant in earnest to stop the war in that quarter, contented to leave the two empires in the hands of the Turks. France, desired by Sweden to join the Courts of London and Berlin, in their mediation between Sweden and Russia, has

declined it. We may be assured she will meddle in nothing external before the meeting of her States General. Her temporary annihilation in the political scale of Europe, leaves to England and Prussia the splendid *role* of giving the law without meeting the shadow of opposition. The internal tranquillity of this country is perfect. Their stocks, however, continue low, and the difficulty of getting money to face current expenses very great. In the contest between the King and Parliament, the latter fearing the power of the former, pressed the convoking the States General. The Government found itself obliged by other difficulties also to recur to the same expedient. The Parliament, after its recall, showed that it was now become apprehensive of the States General; and discovered a determination to cavil at their form, so as to have a right to deny their legality, if that body should undertake to abridge their powers. The Court, hereupon, very adroitly determined to call the same Notables who had been approved by the nation the last year to decide on the form of convoking the *Etats Generaux*; thus withdrawing itself from the disputes which the Parliament might excite, and committing them with the nation. The Notables are now in session. The Government had manifestly discovered a disposition that the *tiers-etat* or commons should have as many representatives in the States General as the nobility and clergy together; but five bureaux of the Notables have voted, by very great majorities, that they should have only an equal number with each of the other orders singly.

One bureau, by a majority of a single voice, had agreed to give the commons the double number of representatives. This is the first symptom of a decided combination between the nobility and clergy, and will necessarily throw the people into the scale of the King. It is doubted whether the States can be collected so early as January, though the Government, urged by the want of money, is for pressing their convocation. It is still more uncertain what the States will do when they meet. There are three objects which they may attain, probably, without opposition from the Court.

1. A periodical meeting of the States.
2. Their exclusive right of taxation.
3. The right of enregistering laws and proposing amendments to them as now exercised by the Parliaments.

This would lead, as it did in England, to the right of originating laws. The Parliament would, by this last measure, be reduced to a

mere judiciary body, and would, probably, oppose it; but against the King and nation their opposition could not succeed. If the States stop here for the present moment, all will probably end well, and they may, in future sessions, obtain a suppression of *lettres de cachet*, free press, a civil list, and other valuable modifications of their Government; but it is to be feared that an impatience to rectify every thing at once, which prevails in some minds, may terrify the Court, and lead them to appeal to force, and to depend on that alone.

Before this can reach you, you will, probably, have heard of an *arrêt* passed the 28th of September, for prohibiting the introduction of foreign whale oils without exception. The English had glutted the markets of this country with their oils. It was proposed to exclude them, and an *arrêt* was drawn, with an exception for us. In the last stage of this *arrêt* the exception was struck out, without my having any warning or even suspicion of this. I suppose this stroke came from the Count de la Luzerne, Minister of Marine, but I cannot affirm it positively. As soon as I was apprized of this, which was several days after it passed, (because it was kept secret till published in their sea-ports,) I wrote to the Count de Montmorin a letter, of which the enclosed is a copy, and had conferences on the subject from time to time with him and the other Ministers. I found them possessed by the partial information of their Dunkirk fishermen; and, therefore, thought it necessary to give them a view of the whole subject in writing, which I did in the piece, of which I enclose you a printed copy. I therein entered into more details than the question between us seemed rigorously to require. I was led to them by other objects, the most important was to disgust Mr. Necker, as an economist, against their new fishery, by letting him foresee its expense. The particular manufactures suggested to them were in consequence of repeated applications from the shippers of rice and tobacco. Other details which do not appear immediately pertinent, were occasioned by circumstances which had arisen in conversation, or an apparent necessity of giving information on the whole matter. At a conference, in the presence of Mr. Lambert on the 16th, (where I was ably aided by the Marquis de la Fayette, as I have been through the whole business,) it was agreed to exempt us from the prohibition, but they will require rigorous assurance that the oils coming under our name, are really of our fishery. They

fear we shall cover the introduction of the English oils from Halifax.

The *arrêt* for excepting us was communicated to me, but the formalities for proving the oils to be American were not yet inserted. I suppose they will require every vessel to bring a certificate from their Consul or Vice Consul residing in the State from which it comes. More difficult proofs were sometimes talked of. I suppose I might surely affirm to them that our Government would do whatever it could to prevent this fraud, because it is as much our interest as theirs to keep the market for the French and American oils only. I am told Massachusetts has prohibited the introduction of foreign fish oils into her ports. This law, if well executed, will be an effectual guard against fraud; and a similar one in the other States interested in the fishery, would much encourage this Government to continue her indulgences to us. Though the *arrêt* then for the readmission of our oils is not yet passed, I think I may assure you it will be so in a few days, and of course that this branch of commerce, after so threatening an appearance, will be on a better footing than ever, as enjoying, jointly with the French oil, a monopoly of their markets. The continuance of this will depend on the growth of their fishery. Whenever they become able to supply their own wants, it is very possible they may refuse to take our oils, but I do not believe it possible for them to raise their fishery to that, unless they can continue to draw off our fishermen from us. Their seventeen ships this year had one hundred and fifty of our sailors on board. I do not know what number the English have got into their service. You will readily perceive that there are particulars in these printed observations which it would not be proper to suffer to become public. They were printed merely that a copy might be given to each Minister, and care has been taken to let them go into no other hands.

I must now trouble Congress with a petition on my own behalf. When I left my own house in October, 1783, it was to attend Congress as a member, and in expectation of returning in five or six months. In the month of May following, however, I was desired to come to Europe as member of a commission, which was to continue two years only. I came off immediately, without going home to make any other arrangements in my affairs, thinking they would not suffer greatly before I should return to them; before the close of the

two years, Doctor Franklin retiring from his charge here, Congress were pleased to name me to it; so that I have been led on by events, to an absence of five years, instead of five months. In the mean time, matters of great moment to others as well as myself, and which can be arranged by nobody but myself, will await no longer. Another motive, of still more powerful cogency on my mind, is the necessity of carrying my family back to their friends and country. I must, therefore, ask of Congress a leave of short absence, allowing three months on the sea going and coming, and two months at my own house, which will suffice for my affairs. I need not be from Paris but between five and six months. I do not foresee any thing which can suffer during my absence. The consular convention is finished, except as to the exchange of ratifications, which will be the affair of a day only. The difference with Schweighauser and Dobrée, relative to our arms, will be finished. That of Denmark, if ever finished, will probably be long spun out. The ransom of the Algerine captives is the only matter likely to be on hand. That cannot be set on foot till the money is raised in Holland, and an order received for its application. Probably these will take place, so that I may set it into motion before my departure. If not, I can still leave it on such a footing as to be put into motion the moment the money can be paid. And even when the leave of Congress shall be received, I will not make use of it if there is any thing of consequence which may suffer; but would postpone my departure till circumstances would admit it. But should these be as I expect they will, it will be vastly desirable to me to receive the permission immediately, so that I may go out as soon as the vernal equinox is over, and be sure of my return in good time and season in the fall. Mr. Short, who had had thoughts of returning to America, will postpone that return till I come back. His talents and character, allow me to say, with confidence, that nothing will suffer in his hands. The friendly dispositions of Monsieur de Montmorin would induce him readily to communicate with Mr. Short in his present character, but should any of his applications be necessary to be laid before the Council, they might suffer difficulty. Nor could he attend the diplomatic societies, which are the most certain sources of good intelligence. Would Congress think it expedient to remove the difficulties by naming him Secretary of Legation, so that he would act, of course, as *Chargé d'Affaires* during my absence? It would

be just that the difference between the salary of a Secretary and a Secretary of Legation should cease as soon as he should cease to be charged with the affairs of the United States; that is to say, on my return. And he should expect that; so that this difference for five or six months would be an affair of about one hundred and seventy guineas only, which would be not more than equal to the additional expenses that would be brought on him necessarily, by the change of character. I mention these particulars, that Congress may see the end as well as the beginning of the proposition, and have only to add, "their will be done." Leave for me being obtained, I will ask it, sir, of your friendship, to avail yourself of various occasions to the ports of France and England, to convey me immediate notice of it, and relieve me, as soon as possible, from the anxiety of expectation, and the uncertainty in which I shall be.

We have been in daily expectation of hearing of the death of the King of England. Our latest news is of the 11th; he had then been despaired of for three or four days. But as my letter is to pass through England, you will have later accounts of him than that can give you.

I send you the newspapers to this date, and have the honor to be, with the greatest esteem and respect, sir, your most obedient humble servant,

TH: JEFFERSON.

P. S. The last crop of corn in France has been so short that they apprehend want. Mr. Necker desired me to make known this scarcity to our merchants, in hopes they would send supplies. I promised him I would. If it could be done without naming him it would be agreeable to him, and probably advantageous to the adventurer.

Arrêt of the King's Council of State, prohibiting the Importation of Foreign Whale and Spermaceti Oil into his Kingdom.

Translation.

September 28, 1788.

Extract from the Registers of the Council of State.

The King having taken information on the success attending the whale fishery, and the prospect of its greater prosperity within his

kingdom, and his Majesty being willing to grant a special protection to this important fishery, which has just commenced in France, and which may become an abundant source of riches, while at the same time it affords to the marine a nursery for seamen of great consequence to the service of the State, his Majesty has conceived that the prohibition of foreign oil would be the most beneficial encouragement that could be granted to this branch of industry. Being willing to provide accordingly, and having heard the report of the Sieur Lambert, Counsellor of State and Ordinary to the Council of Despatches, and to the Royal Council of Finances and Commerce, the King being present in his Council, has ordained, and does ordain, that, computing from the day of publishing the present *arrêt*, the introduction of foreign whale and spermaceti oils shall be prohibited throughout his dominions. His Majesty commands and orders the Duke de Penthièvre, Admiral of France, the intendants and commissaries throughout the provinces, the commissaries deputed for the observation of the ordinances in the admiralties, the officers of the admiralties, masters of ports, judges of treaties, and all others whom it may concern, to assist in the execution of the present *arrêt*, which shall be registered in the offices of the said admiralties, read, published, and posted wherever it shall be necessary.

Done in the King's Council of State, his Majesty being present, held at Versailles, 28th September, 1788.

LA LUZERNE.

The Duke de Penthièvre, Admiral of France, the King's Governor and Lieutenant General in his province of Brittany, having seen the *arrêt* of the King's Council of State, as above, and in other parts, addressed to us, we command all those over whom our power extends to execute, and cause to be executed, each one as his duty is, according to its form and tenor; we order the officers of the admiralties to cause it to be registered in the offices of their jurisdiction, to read, publish, and post it wherever it may appear necessary.

Done at Vernon, the 6th October, 1788.

L. J. M. DE BOURBON.

And beneath by his most Serene Highness,

PERRIER.

FROM THOMAS JEFFERSON TO THE COUNT DE MONTMORIN.

Paris, October 23, 1788.

Sir,

I take the liberty of troubling your Excellency on the subject of the *arrêt* which has lately appeared for prohibiting the importation of whale oils and spermaceti the produce of foreign fisheries. This prohibition being expressed in general terms seems to exclude the whale oils of the United States of America, as well as of the nations of Europe. The uniform disposition, however, which his Majesty and his Ministers have shewn to promote the commerce between France and the United States, by encouraging our productions to come hither, and particularly those of our fisheries, induces me to hope that these were not within their view at the passing of this *arrêt*. I am led the more into this opinion when I recollect the assiduity employed for several months in the year 1785 by the committee appointed by Government to investigate the objects of commerce of the two countries, and to report the encouragements of which it was susceptible; the result of that investigation, which his Majesty's Comptroller General did me the honor to communicate in a letter of the 22d of October, 1786, stating therein the principles which should be established for the future regulation of that commerce, and particularly distinguishing the article of whale oils by an abatement of the duties on them for the present, and a promise of farther abatement after the year 1790. The thorough investigation with which Monsieur de Lambert honored this subject when the letter of 1786 was to be put into the form of an *arrêt*, that *arrêt* itself bearing date the 29th of December last, which ultimately confirmed the abatements of duty present and future, and declared that his Majesty reserved to himself to grant other favors to that production, if, on further information, he should find it for the interest of the two nations; and finally, the letter in which M. Lambert did me the honor to enclose the *arrêt*, and to assure me that the duties which had been levied on our whale oils contrary to the intention of the letter of 1786 should be restored. On a review, then, of all these circumstances, I cannot but presume that it has not been intended to reverse in a moment views so maturely digested and uniformly pursued, and that the general expressions of the *arrêt* of September 28 had within their contem-

plation the nations of Europe only. This presumption is further strengthened by having observed in the treaties of commerce made since the epoch of our independence, the *jura gentis amicissimæ* conceded to other nations are expressly restrained to those of the most favored *European* nations; his Majesty wisely foreseeing that it would be expedient to regulate the commerce of a nation which brings nothing but raw materials to employ the industry of his subjects very differently from that of the European nations, who bring mostly what has already passed through all the stages of manufacture.

On these considerations I take the liberty of asking information from your Excellency as to the extent of the late *arrêt*; and if I have not been mistaken in supposing it did mean to abridge that of December 29, I would solicit an explanatory *arrêt* to prevent the misconstructions of it which will otherwise take place. It is much to be desired, too, that this explanation could be given as soon as possible, in order that it may be handed out with the *arrêt* of September 28. Great alarm may otherwise be spread among the merchants and adventurers in the fisheries, who, confiding in the stability of regulation which his Majesty's wisdom had so long and well matured, have embarked their fortunes in speculations in this branch of business.

The importance of the subject to one of the principal members of our Union induces me to attend with great anxiety, a reassurance from your Excellency that no change has taken place in his Majesty's views on this subject; and that his dispositions to multiply rather than diminish the combinations of interest between the two people, continue unaltered.

Commerce is slow in changing its channel, that between this country and the United States is as yet but beginning, and this beginning has received some checks. The *arrêt* in question would be a considerable one, without the explanation I have the honor to ask. I am persuaded that a continuation of the dispositions which have been hitherto manifested towards us will ensure effects, political and commercial, of value to both nations.

I have had too many proofs of the friendly interest your Excellency is pleased to take in whatever may strengthen the bands and connect the views of the two countries, to doubt your patronage of

the present application, or to permit any occasion of repeating assurances of those sentiments of high respect and esteem with which I have the honor to be, &c.,

TH: JEFFERSON.

Mr. Jefferson's Observations on the Whale Fishery.

Whale oil enters, as a raw material, into several branches of manufacture, as of wool, leather, soap; it is used also in painting, architecture, and navigation. But its great consumption is in lighting houses and cities. For this last purpose, however, it has a powerful competition in the vegetable oils. These do well in warm still weather, but they fix with cold, they extinguish easily with the wind, their crop is precarious, depending on the seasons, and to yield the same light, a larger wick must be used, and a greater quantity of oil consumed. Estimating all these articles of difference together, those employed in lighting cities find their account in giving about twenty-five per cent. more for whale than for vegetable oils. But higher than this the whale oil, in its present form, cannot rise, because it then becomes more advantageous to the city lighters to use others. This competition, then, limits its price, higher than which no encouragement can raise it, and becomes, as it were, a law of its nature; but at this low price, the whale fishery is the poorest business into which a merchant or sailor can enter. If the sailor, instead of wages, has a part of what is taken, he finds that this, one year with another, yields him less than he could have got as wages in any other business. It is attended, too, with great risk, singular hardships, and long absence from his family. If the voyage is made solely at the expense of the merchant, he finds that, one year with another, it does not reimburse him his expenses. As, for example, an English ship of three hundred tons, and forty-two hands, brings home *communibus annis*, after a four months' voyage, twenty-five tons of oil, worth 437*l.* 10*s.* sterling, but the wages of the officers and seamen will be 400*l.* The outfit, then, and the merchant's profit must be paid by the Government; and it is accordingly, on this idea, that the British bounty is calculated. From the poverty of this business, then, it has happened that the nations who have taken

it up, have successively abandoned it. The Basques began it; but though the most economical and enterprising of the inhabitants of France, they could not continue it; and it is said they never employed more than thirty ships a year. The Dutch and Hanse-Towns succeeded them. The latter gave it up long ago, though they have continued to lend their name to British and Dutch oils. The English carried it on in competition with the Dutch during the last and beginning of the present century. But it was too little profitable for them, in comparison with other branches of commerce open to them. In the mean time, too, the inhabitants of the barren Island of Nantucket had taken up this fishery, invited to it by the whales presenting themselves on their own shores. To them, therefore, the English relinquished it, continuing to them, as British subjects, the importation of their oils into England duty free; while foreigners were subject to a duty of 18*l.* 5*s.* sterling a ton. The Dutch were enabled to continue it long, because, 1. They are so near the northern fishing grounds that a vessel begins her fishing very soon after she is out of port; 2. They navigate with more economy than the other nations of Europe; 3. Their seamen are content with lower wages; and, 4. Their merchants with a lower profit on their capital.

Under all these favorable circumstances, however, this branch of business, after long languishing, is at length nearly extinct with them. It is said they did not send above half a dozen ships in pursuit of the whale this present year. The Nantuckois then were the only people who exercised the fishery to any extent at the commencement of the late war. Their country from its barrenness, yielding no subsistence, they were obliged to seek it in the sea which surrounded them. Their economy was more rigorous than that of the Dutch. Their seamen, instead of wages, had a share in what was taken. This induced them to fish with fewer hands, so that each had a greater dividend in the profit. It made them more vigilant in seeking game, bolder in pursuing it, and parsimonious in all their expenses. London was their only market. When, therefore, by the late revolution, they became aliens in Great Britain, they became subject to the alien duty of 18*l.* 5*s.* the ton of oil, which, being more than equal to the price of the common whale oil, they were obliged to abandon that fishery. So that this people, who before the war had employed upwards of three hundred vessels a year in the whale fishery, (while

Great Britain had herself never employed one hundred,) have now almost ceased to exercise it. But they still had the seamen, the most important material for this fishery; and they still retained the spirit of fishing, so that at the reëstablishment of peace, they were capable, in a very short time, of reviving their fishery in all its splendor. The British Government saw that the moment was critical. They knew that their own share in that fishery was as nothing. That the great mass of fishermen was left with a nation now separated from them, that these fishermen, however, had lost their ancient market, had no other resource within their country to which they could turn, and they hoped, therefore, they might, in the present moment of distress, be decoyed over to their establishments, and be added to the mass of their seamen. To effect this they offered extravagant advantages to all persons who should exercise the whale fishery from British establishments. But not counting with much confidence on a long connexion with their remaining possessions on the continent of America, foreseeing that the Nantuckois would settle in them preferably, if put on an equal footing with those of Great Britain, and that thus they might have to purchase them a second time, they confined their high offers to settlers in Great Britain. The Nantuckois, left without resource by the loss of their market, began to think of removing to the British dominions; some to Nova Scotia, preferring smaller advantages in the neighborhood of their ancient country and friends; others to Great Britain, postponing country and friends to high premiums. A vessel was already arrived from Halifax to Nantucket, to take off some of those who proposed to remove. Two families had gone on board, and others were going, when a letter was received there, which had been written by Monsieur le Marquis de la Fayette to a gentleman in Boston, and transmitted by him to Nantucket. The purport of the letter was to dissuade their accepting the British proposals, and to assure them that their friends in France would endeavor to do something for them. This instantly suspended their design. Not another went on board, and the vessel returned to Halifax with only two families.

In fact, the French Government had not been inattentive to the views of the British, nor insensible of the crisis. They saw the danger of permitting five or six thousand of the best seamen existing to be transferred by a single stroke to the marine strength of their

enemy, and to carry over with them an art which they possessed almost exclusively. The counter plan which they set on foot was to tempt the Nantuckois by high offers to come and settle in France. This was in the year 1785. The British, however, had in their favor a sameness of language, religion, laws, habits, and kindred. Nine families only, of thirty-three persons in the whole, came to Dunkirk; so that this project was not likely to prevent their emigration to the English establishments, if nothing else had happened.

France had effectually aided in detaching the United States of America from the force of Great Britain; but as yet they seemed to have indulged only a silent wish to detach them from her commerce. They had done nothing to induce that event. In the same year, 1785, while M. de Calonne was in treaty with the Nantuckois, an estimate of the commerce of the United States was submitted to the Count de Vergennes, and it was shown that of three millions of pounds sterling, to which their exports amounted, one third might be brought to France, and exchanged against her productions and manufactures advantageously for both nations, provided the obstacles of prohibition, monopoly, and duty were either done away or moderated, as far as circumstances would admit. A committee, which had been appointed to investigate a particular one of these subjects, was thereupon instructed to extend its researches to the whole, and see what advantages and facilities the Government could offer for the encouragement of a general commerce with the United States. The committee was composed of persons well skilled in commerce; and after laboring assiduously for several months, they made their report; the result of which was given in the letter of his Majesty's Comptroller General of the 2d of October, 1786; wherein he stated the principles which should be established for the future regulation of the commerce between France and the United States. It was become tolerably evident, at the date of this letter, that the terms offered to the Nantuckois would not produce their emigration to Dunkirk; and that it would be safest, in every event, to offer some other alternative which might prevent their acceptance of the British offers. The obvious one was to open the ports of France to their oils, so that they might still exercise their fishery remaining in their native country, and find a new market for its produce instead of that which they had lost. The article of whale oil was accord-

ingly distinguished in the letter of M. de Calonne, by an immediate abatement of duty, and promise of further abatement after the year 1790. This letter was instantly sent to America, and bid fair to produce there the effect intended, by determining the fishermen to carry on their trade from their own homes, with the advantage only of a free market in France, rather than remove to Great Britain, where a free market and great bounty were offered them. An *arrêt* was still to be prepared to give legal sanction to the letter of M. de Calonne. M. Lambert, with a patience and assiduity almost unexampled, went through all the investigations necessary to assure himself that the conclusions of the committee had been just. Frequent conferences on this subject were held in his presence. The deputies of the Chambers of Commerce were heard, and the result was the *arrêt* of December 29, 1787, confirming the abatements of duty, present and future, which the letter of October, 1786, had promised, and reserving to his Majesty to grant still further favors to that production, if on further information he should find it for the interest of the two nations.

The English had now begun to deluge the markets of France with their whale oils, and they were enabled, by the great premiums given by their Government, to undersell the French fishermen, aided by feeble premiums, and the American aided by his poverty alone. Nor is it certain that these speculations were not made at the risk of the British Government to suppress the French and American fishermen in their only market. Some remedy seemed necessary. Perhaps it would not have been a bad one to subject, by a general law, the merchandize of every nation and of every nature to pay additional duties in the ports of France, exactly equal to the premiums and drawbacks given on the same merchandize by their own Government. This might not only counteract the effect of premium, in the instance of whale oils, but attack the whole British system of bounties and drawbacks, by the aid of which they make London the centre of commerce for the whole earth. A less general remedy, but an effectual one, was to prohibit the oils of all European nations. The treaty with England requiring only that she should be treated as well as the most favored European nation. But the remedy adopted was to prohibit all oils without exception.

To know how this remedy will operate, we must consider the quantity of whale oil which France consumes annually, the quantity

she obtains from her own fishery; and if she obtains less than she consumes, we are to consider what will follow this prohibition.

The annual consumption of France, as stated by a person who has good opportunities of knowing it, is as follows:

	<i>Pesant.</i>	<i>quintaux.</i>	<i>tons.</i>
Paris, according to the registers of 1786..	2,800,000	28,000	1750
Twenty-seven other cities lighted by M.			
Sangrain	800,000	8,000	500
Rouen	500,000	5,000	312½
Bordeaux	600,000	6,000	375
Lyon	300,000	3,000	187½
Other cities, leather and light	3,000,000	30,000	1875
	8,000,000	80,000	5000

Other calculations reduce the consumption to about half this. It is treating these with sufficient respect to place them on an equal footing with the estimate of the person before alluded to, and to suppose the truth half way between them. We will call, then, the present consumption of France only 60,000 quintals, or 3,750 tons a year. This consumption is increasing fast, as the practice of lighting cities is becoming more general, and the superior advantages of lighting them with whale oil are but now beginning to be known.

What do the fisheries of France furnish? She has employed this year fifteen vessels in the southern and two in the northern fishery, carrying four thousand five hundred tons in the whole, or two hundred and sixty-five each, on an average. The English ships, led by Nantuckois as well as the French, have, as I am told, never averaged in the southern fishery more than one fifth of their burden in the best year. The fifteen ships of France, according to this ground of calculation, and supposing the present to have been one of the best years, should have brought, one with another, one fifth of two hundred and sixty-five tons, or fifty-three tons each. But we are told they have brought near the double of that, to wit: one hundred tons each, and one thousand five hundred tons in the whole. Supposing the two northern vessels to have brought home the cargo which is common from the northern fishery, to wit: twenty-five tons each, the whole produce this year will then be one thousand five hundred and

fifty tons. This is five and a half months' provision, or two fifths of the annual consumption. To furnish for the whole year would require forty ships of the same size in years as fortunate as the present, and eighty-five *communibus annis*, forty-four tons, or one sixth of the burthen, being as high an average as should be counted on one year with another; and the number must be increased with the increasing consumption. France, then, is evidently not yet in a condition to supply her own wants. It is said, indeed, she has a large stock on hand unsold, occasioned by the English competition—33,000 quintals, including this year's produce are spoken of. This is between six and seven months' provision; and supposing by the time this is exhausted, that the next year's supply comes in, that will enable her to go on five or six months longer; say a twelvemonth in the whole. But at the end of the twelvemonth what is to be done? The manufactures depending on this article cannot maintain their competition against those of other countries if deprived of their equal means. When the alternative, then, shall be presented, of letting them drop or opening the ports to foreign whale oil, it is presumed the latter will be adopted as the lesser evil. But it will be too late for America. Her fishery, annihilated during the late war, only began to raise its head on the prospect of a market held out by this country. Crushed by the *arrêt* of September 28, in its first feeble effort to revive, it will rise no more. Expeditions which require the expense of the outfit of vessels, and from nine to twelve months' navigation, as the southern fishery does, most frequented by the Americans, cannot be undertaken in sole reliance on a market which is opened and shut from one day to another, with little or no warning. The English alone, then, will remain to furnish these supplies, and they must be received even from them. We must accept bread from our enemies, if our friends cannot furnish it. This comes exactly to the point to which that Government has been looking. She fears no rival in the whale fishery but America, or rather it is the whale fishery of America of which she is endeavoring to possess herself. It is for this object she is making the present extraordinary efforts by bounties and other encouragements; and her success so far is very flattering. Before the war she had not 100 vessels in the whale trade, while America employed 309. In 1786 Great Britain employed 151 vessels; in 1787, 286; in 1788, 314, nearly the ancient American number, while the latter is fallen to about 80.

They have just changed places, then, England having gained exactly what America has lost. France, by her ports and markets, holds the balance between the two contending parties, and gives the victory by opening and shutting them, to which she pleases. We have still precious remains of seamen educated in this fishery, and capable by their poverty, their boldness and address, of recovering it from the English in spite of their bounties. But this *arrêt* endangers the transferring to Great Britain every man of them who is not invincibly attached to his native soil. There is no other nation in present condition to maintain a competition with Great Britain in the whale fishery. The expense at which it is supported on her part seems enormous: 255 vessels, of 75,436 tons, employed by her this year in the northern fishery, at 42 men each, and 59 in the southern, at 18 men each, makes 11,772 men. These are known to have cost the Government £15 each, or £176,580 in the whole, and that to employ the principal part of them from three to four months only. The northern ships have brought home twenty, and the southern sixty, tons of oil on an average, making 8,640 tons. Every ton of oil, then, has cost the Government £20 in bounty. Still, if they can beat us out of the field, and have it to themselves, they will think their money well employed. If France undertakes solely the competition against them, she must do it at equal expense. Four thousand five hundred tons of shipping this year, at a bounty of 50 *liv.* the ton, have cost France, in bounty, 225,000 *liv.*, which, divided on 1,550 tons of oil, comes to 145 *liv.* the ton. But when her ships, like those of other nations, shall bring home *communibus annis*, but one sixth of their burthen, she will pay six tons of shipping, or 300 *liv.* for every ton of oil. She can buy that ton of oil at Boston for 375 to 400 *liv.*, or with half its measure of wine. Again, calculate the expense on the men. There were not one hundred French seamen on board the seventeen whale ships of this year. Each man, then, has cost the Government more than 2,250 *liv.*; we may even say 100 *louis.* each. The trade is too poor to support itself. The eighty-five ships necessary to supply even her present consumption, bountied as the English are, will require a sacrifice of 1,285,200 *liv.* a year, to maintain 3,570 seamen, and that a part of the year only. And if she will push it to 12,000 men, in competition with England, she must sacrifice, as they do, four or five millions a year. The same number of men might, with the same bounty, be kept in

as constant employ carrying stone from Bayonne to Cherbourg, or coal from Newcastle to Havre, in which navigations they would be always at hand, and become as good seamen. The English consider among their best sailors those employed in carrying coal from Newcastle to London. France cannot expect to raise her fishery, even to the supply of her own consumption, in one year, or in several years. Is it not better, then, by keeping her ports open to the United States, to enable them to aid in maintaining the field against the common adversary till she shall be in condition to take it herself, and to supply her own wants? Otherwise her supplies must aliment that very force which is keeping her under. On our part we can never be dangerous competitors to France. The extent to which we can exercise this fishery is limited to that of the barren island of Nantucket, and a few similar barren spots; its duration to the pleasure of this Government, as we have no other market.

A material observation must be added here. Sudden vicissitudes of opening and shutting ports do little injury to merchants settled on the opposite coast, watching for the opening like the return of a tide, and ready to enter with it. But they ruin the adventurer whose distance requires six months' notice. Those who are now arriving from America in consequence of the *arrêt* of December 29, will consider it as the false light which has led them to their ruin. They will be apt to say that they came to the ports of France by invitation of that *arrêt*; that the subsequent one of September 28, which drives them from those ports, founds itself on a single principle, viz: that the prohibition of foreign oils is the most useful encouragement which can be given to that branch of industry. They will say that, if this be a true principle, it was as true on the 29th of December, 1787, as on the 28th of September, 1788. It was then weighed against other motives judged weaker, and overruled, and it is hard it should be now revived to ruin them.

The refinery for whale oil, lately established at Rouen, seems to be an object worthy of national attention. In order to judge of its importance, the different qualities of whale oil must be noted. Three qualities are known in the American and English markets: 1. That of the spermaceti whale; 2. Of the Greenland whale; 3. Of the Brazil whale.

1. The spermaceti whale, found by the Nantucketmen in the neighborhood of the Western Islands, to which they had gone in

pursuit of other whales, retired thence to the coast of Guinea, afterwards to that of Brazil, and begins now to be best found in the latitude of the Cape of Good Hope, and even of Cape Horn. He is an active, fierce animal, and requires vast address and boldness in the fisherman. The inhabitants of Brazil make little expeditions from their coasts, and take some of these fish. But the Americans are the only distant people who have been in the habit of seeking and attacking them in numbers. The British, however, led by the Nantuckois, whom they have decoyed into their service, have begun this fishery. In 1785 they had 18 ships in it; in 1787, 38; in 1788, 54, or, as some say, 64; I have calculated on the middle number, 59; still they take but a very small proportion of their own demand; we furnish the rest. Theirs is the only market to which we carry that oil, because it is the only one where its properties are known. It is luminous, resists coagulation by cold to the 41st degree of Fahrenheit's thermometer, and 4th of Reaumur's, and yields no smell at all. It is used, therefore, within doors to lighten shops, and even in the richest houses, for anti-chambers, stairs, galleries, &c. It sells at the London market for treble the price of common whale oil. This enables the adventurer to pay the duty of 18*l.* 5*s.* sterling the ton, and still to have a living profit. Besides the mass of oil produced from the whole body of the whale, his head yields three or four barrels of what is called head matter, from which is made the solid spermaceti used for medicine and candles. This sells by the pound at double the price of the oil. The disadvantage of this fishery is that the sailors are from nine to twelve months absent on the voyage, of course they are not at hand on any sudden emergency, and are even liable to be taken, before they know that a war is begun. It must be added, on the subject of this whale, that he is rare and shy, soon abandoning the grounds where he is hunted. This fishery being less losing than the other, and often profitable, will occasion it to be so thronged soon as to bring it on a level with the other. It will then require the same expensive support, or to be abandoned.

2. The Greenland whale oil is the next in quality. It resists coagulation by cold to 36 degrees of Fahrenheit, and two of Reaumur; but it has a smell insupportable within doors, and is not luminous. It sells, therefore, in London at 16*l.* the ton. This whale is clumsy and timid, he dives when struck, and comes up to

breathe by the first cake of ice, where the fishermen need little address or courage to take him. This is the fishery mostly frequented by European nations; it is this fish which yields the fin in quantity, and the voyages last about three or four months.

3. The third quality is that of the small Brazil whale. He was originally found on the coast of Nantucket, and first led that people to this pursuit. He retired first to the banks of Newfoundland, then to the Western Islands, and is now found within soundings on the coast of Brazil, during the months of December, January, February, and March. This oil chills at fifty degrees of Fahrenheit, and eight degrees of Reaumur, is black and offensive, worth, therefore, but 13*l*. the ton in London. In warm summer nights, however, it burns better than the Greenland oil.

The qualities of the oil thus described, it is to be added that an individual has discovered methods: 1. Of converting a great part of the oil of the spermaceti whale into a solid substance called spermaceti, heretofore produced from his head alone. 2. Of refining the Greenland whale oil, so as to take from it all smell, and render it limpid and luminous as that of the spermaceti whale. 3. Of curdling the oil of the Brazil whale into tallow, resembling that of beef, and answering all its purposes. This person is engaged by the company which has established the refinery at Rouen; their works will cost them half a million of livres, will be able to refine all the oil which can be used in the kingdom, and to supply foreign markets. The effect of this refinery, then, would be: 1. To supplant the solid spermaceti of all other nations by theirs of equal quality and lower price. 2. To substitute, instead of spermaceti oil, their black whale oil refined, of equal quality and lower price. 3. To render the worthless oil of the Brazil whale equal in value to tallow; and, 4. By accommodating these oils to uses to which they could never otherwise have been applied, they will extend the demand beyond its present narrow limits to any supply which can be furnished, and thus give the more effectual encouragement and extension to the whale fishery. But these works were calculated on the *arrêt* of December 29, which admitted here, freely and fully, the produce of the American fishery. If confined to that of the French fishery alone, the enterprise may fail for want of matter to work on.

After this review of the whale fishery as a political institution, a few considerations shall be added on its produce as a basis of

commercial exchange between France and the United States. The discussions it has undergone on former occasions in this point of view, leaves little new to be now urged.

The United States not possessing mines of the precious metals, they can purchase necessities from other nations, so far only as their produce is received in exchange. Without enumerating our smaller articles, we have three of principal importance, proper for the French market, to wit, tobacco, whale oil, and rice. The first and most important is tobacco. This might furnish an exchange for eight millions of the productions of this country; but it is under a monopoly, and that not of a mercantile, but a financiering company, whose interest is to pay in money, and not in merchandize; and who are so much governed by the spirit of simplifying their purchases and proceedings, that they find means to elude every endeavor on the part of Government to make them diffuse their purchases among the merchants in general. Little profit is derived from this, then, as an article of exchange for the produce and manufactures of France. Whale oil might be next in importance; but that is now prohibited. American rice is not yet of great, but it is of growing consumption, in France, and, being the only article of the three which is free, it may become a principal basis of exchange. Time and trial may add a fourth, that is timber. But some essays, rendered unsuccessful by unfortunate circumstances, place that at present under a discredit, which it will be found hereafter not to have merited. The English know its value, and were supplied with it before the war. A spirit of hostility, since that event, led them to seek Russian rather than American supplies. A new spirit of hostility has driven them back from Russia, and they are now making contracts for American timber. But of the three articles before mentioned, proved by experience to be suitable for the French market, one is prohibited, one under monopoly, and one alone free, and that the smallest, and of very limited consumption. The way to encourage purchasers, is to multiply their means of payment. Whale oil might be an important one. In one scale is the interest of the millions who are lighted, shod, or clothed with the help of it, and the thousands of laborers and manufacturers who would be employed in producing the articles which might be given in exchange for it, if received from America. In the other scale are the interests of the adventurers in the whale fishery; each of whom, indeed, politically considered,

may be of more importance to the State than a simple laborer or manufacturer; but, to make the estimate with the accuracy it merits, we should multiply the numbers in each scale into their individual importance, and see which preponderates. Both Governments have seen, with concern, that their commercial intercourse does not grow as rapidly as they would wish. The system of the United States is, to use neither prohibitions nor premiums; commerce there regulates itself freely, and asks nothing better. Where a Government finds itself under the necessity of undertaking that regulation, it would seem that it should conduct it as an intelligent merchant would; that is to say, invite customers to purchase by facilitating their means of payment, and by adapting goods to their taste. If this idea be just, Government here has two operations to attend to, with respect to the commerce of the United States.

1. To do away, or to moderate as much as possible, the prohibitions and monopolies of their material for payment.

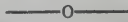
2. To encourage the institution of the principal manufactures which the necessities or the habits of their new customers call for. Under this latter head a hint shall be suggested, which must find its apology in the motive from which it flows; that is, a desire of promoting mutual interests and close friendship. Six hundred thousand of the laboring poor of America, comprehending slaves under that denomination, are clothed in three of the simplest manufactures possible, to wit; osnabrigs, plains, and duffel blankets. The first is a linen, the two last woollens. It happens, too, that they are used exactly by those who cultivate the tobacco and rice, and in a good degree by those employed in the whale fishery. To these manufactures they are so habituated that no substitute will be received. If the vessels which bring tobacco, rice, and whale oil, do not find them in the ports of delivery, they must be sought where they can be found. That is in England at present. If they were made in France, they would be gladly taken in exchange there. The quantities annually used by this description of people, and their value, are as follows:

Osnabrigs, 2,700,000 aunes, @16 sous the aune, worth.....	<i>Liv.</i> 2,160,000
Plains, 1,350,000 aunes, @2 livres the aune.....	2,700,000
Duffel blankets, 300,000 @7 livres 4 sous each.....	2,160,000

Liv. 7,020,000

It would be difficult to say how much should be added for the consumption of inhabitants of other descriptions. A great deal, surely. But the present view shall be confined to the one description named. Seven millions of livres are nine millions of days' work of those who raise, card, spin, and weave the wool and flax; and, at three hundred working days to the year, would maintain 30,000 people. To introduce these simple manufactures, suppose Government to give five per cent. on the value of what should be exported of them for ten years to come. If none should be exported, nothing would be to be paid. But, on the other hand, if the manufactures should rise to the full demand, it would be a sacrifice of 351,000 livres a year for ten years only, to produce a perpetual subsistence for more than 30,000 people, (for the demand will grow with our population,) while she must expend perpetually 1,285,000 livres a year to maintain the 3,570 seamen who would supply her with whale oil; that is to say, for each seaman as much as for thirty laborers and manufacturers. But to return to our subject, and to conclude.

Whether, then, we consider the *arrêt* of September 28 in a political or a commercial light, it would seem that the United States should be excepted from its operation. Still more so when they invoke against it the amity subsisting between the two nations, the desire of binding them together by every possible interest and connexion, the several acts in favor of this exception, the dignity of legislation, which admits not of changes backwards and forwards, the interests of commerce, which require steady regulations, the assurances of the friendly motives which have led the King to pass these acts, and the hope that no cause will arise to change either his motives or his measures towards us.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, November 29, 1788.

Sir,

In the hurry of making up my letter of the 19th instant, I omitted to enclose the printed paper on the subject of whale oil. That omission is now supplied by another conveyance by the way of London. The explanatory *arrêt* is not yet come out. I still take for granted it will pass, though there be an opposition to it in the

Council. In the meantime, orders are given to receive our oils which may arrive. The apprehension of a want of corn has induced them to turn their eyes to foreign supplies; and to show their preference of receiving them from us, they have passed the enclosed *arrêt*, giving a premium on wheat and flour from the United States for a limited time. This you will doubtless think proper to have translated and published. The Notables are still in session. The votes of the separate bureaux have not yet been reduced to a joint act in the assembly of the whole. I see no reason to suppose they will change the separate votes relative to the representation of the *tiers état* in the States General. In the meantime, the stream of public indignation, heretofore directed against the Court, sets strongly against the Notables. It is not yet decided when the States will meet, but certainly they cannot till February or March. The Turks have retired across the Danube. This indicates their going into winter quarters, and the severity of the weather must hasten it. The thermometer was yesterday at eight degrees of Fahrenheit, that is, twenty-four degrees below freezing. This having continued many days, and still likely to continue, and the wind from northeast, renders it probable that all enterprize must be suspended between the three great belligerent Powers. Poland is likely to be thrown into great convulsions. The Empress of Russia has peremptorily demanded such aids from Poland as might engage it in the war. The King of Prussia, on the other hand, threatens to march an army on their borders. The vote of the Polish Confederacy for one hundred thousand men was a coalition of the two parties in that single act only. The party opposed to the King has obtained a majority, and have voted that this army shall be independent of him. They are supported by Prussia, while the King depends on Russia. Authentic information from England leaves not a doubt that the King is lunatic, and that that, instead of the effect, is the cause of the illness under which he has been so near dying. I mention this because the English newspapers, speaking by guess on that as they do on all other subjects, might mislead you as to his true situation; or, rather, might mislead others who know less than you do, that a thing is not rendered the more probable by being mentioned in those papers.

I enclosé those of Leyden to the present date with the gazettes of France.

I have the honor to be, &c.,

TH: JEFFERSON.

Arrêt of the King's Council of State to encourage by Bounties the importation of Wheat and Flour coming from the United States of America.

Translation.

November 23, 1788.

Extract from the Registers of the Council of State.

The King, unwilling to neglect any means that may encourage during this year the importation of foreign grain, has judged it proper to grant bounties to those who shall import into his kingdom wheat and flour coming from the United States of America. To provide for which the report being heard, the King, in his Council, has ordained, and does ordain, as follows :

ARTICLE I. There shall be paid to all French or foreign merchants who, from the 15th of February next to the 30th of June following, shall import into France wheat and wheat flour, coming from the United States of America, a bounty of thirty sous for every quintal of flour. The said bounties shall be paid by the receivers of the Farm duties in the ports of the kingdom where the said grain and flour shall arrive, on the declarations furnished by the captains of the vessels, who shall be bound to annex thereto a legal copy of the bill of lading, and the certificate of the magistrates of the place where the lading shall have been made.

ARTICLE II. All vessels, without distinction, which, during the space of time abovementioned, shall import into the kingdom wheat and flour from the said United States of America, shall be exempted from the freight duty on account of the said importations. His Majesty enjoins the intendants and commissaries throughout the provinces, and all others charged with the execution of his orders, to carry into execution the present *arrêt*, which shall be printed, published, and posted wherever it may be necessary.

Done in the King's Council of State, his Majesty being present, held at Versailles, the 23d November, 1788.

LAURENT DE VILLEDEUIL.

Arrêt of the King's Council of State respecting the commerce of Grain.

Translation.

November 23, 1788.

Extract from the Registers of the Council of State.

The King having been informed of the price of grain, and of the different circumstances which have raised the value, has learned with pain that the crops have not yielded the customary supply, and that the cultivators have been in general much disappointed in their expectations. It is, moreover, generally known that a disastrous hail storm has ravaged a great part of his dominions, and many other unfortunate events have conspired to diminish the crops in numberless parts of the provinces of his kingdom. His Majesty, nevertheless, is informed that no scarcity is to be feared; but there may not, perhaps, be a surplus quantity, necessary to keep the price within reasonable limits. It is not in his Majesty's power to control the laws of nature, but, attentive to all who are under his care and protection, he at first strictly prohibited the exportation of grain, and at the same time maintained the most perfect liberty in the interior circulation, in order that all the provinces of his kingdom might mutually contribute to the relief of each other. His Majesty, in consequence of his paternal anxiety and the complaints which have been addressed to him, thinks it advisable at this time to put a stop to a kind of speculation by no means of service to the proprietors, and which is of essential detriment to the consumers; that is, the purchases and forestallings undertaken only with a view of profiting by an increase of price, and which consequently inspires the dangerous desire of seeing the prices further enhanced. Such speculations, which are beneficial in abundant years, excite alarm, and may have unhappy consequences, while the price of subsistence is already so high. His Majesty unwilling, however, to authorize any examinations, which it is so easy to abuse, has thought proper to content himself with reëstablishing for this year the ancient obligation of not selling or purchasing but in the markets, that the officers of the police may be enabled to observe the conduct of those who give themselves up to so dishonest a traffic. He has at the same time thought proper to renew the ancient ordinances prohibiting from all kind of commerce

in grain those persons who are charged with the care of the police and good order, and in extending the prohibition to all such as have the management of the royal moneys, and as are in any manner attached to the Administration. He at the same time promises the most particular protection to the merchants who may import into France wheat purchased in foreign countries, or who employ themselves in carrying grain from one province to another, and by this means equalize among his subjects the resources and means of subsistence. His Majesty cannot warrant, notwithstanding these precautions, and all those which he will take by means of administration to encourage the importation of foreign wheat into the kingdom, that the price of this commodity may not be constantly dear this year; but notwithstanding the painful situation of his finances, he will grant more considerable relief than at other times to the most indigent part of his people, and he will not cease to do everything that can be reasonably expected from his beneficence and his resources. For which being willing to provide, having heard the report, the King being present in his Council, has ordained, and does ordain, as follows:

ARTICLE I. His Majesty wills and ordains, that under the penalties established by the ancient regulations, grain and flour shall not be sold nor bought in any other place than in the halls, markets, or in the ordinary ports of the cities, towns, and places of the kingdom as have been established for the purpose.

ARTICLE II. His Majesty prohibits the merchants, and all other persons, of whatsoever quality or condition they may be, from going out to meet those who shall bring grain to market, either to give them earnest or to make any private bargain with them.

ARTICLE III. His Majesty prohibits the officers of justice and police, all weighers and measurers, and other persons employed in the service of the markets, as well as the Farmers and receivers of his dues, clerks of his receipts, cashiers, and other persons employed in the collection of his revenue, or attached in any other manner to the administration of his finances, from intermeddling, either directly or indirectly, in the commerce of grain.

ARTICLE IV. His Majesty expressly wills that no impediment should be made to the free transportation of grain throughout his kingdom, and orders the judges of police and the officers of the *Maréchaussée* to aid the execution of his orders.

ARTICLE V. The dispositions of the present rule shall have force but for one year. His Majesty reserving the renewal at the expiration of that term, if circumstances require.

ARTICLE VI. His Majesty confirms, as far as may be necessary, the ancient regulations which order that the inhabitants of those places where grain is exposed to sale, to provide themselves, in preference to the merchants, with the quantity necessary for their consumption.

ARTICLE VII. His Majesty does not intend to make any innovation in the regulations of the police hitherto pursued for supplying the city of Paris with provisions, which shall continue to be observed as heretofore.

ARTICLE VIII. His Majesty paternally exhorts the proprietors and Farmers to concur in his wise and beneficent designs, and to supply, by sufficiently providing the markets, the manner which he conceives not proper to prescribe at present; and all letters patent, if necessary, shall be made out under the present *arrêt*.

Done in the King's Council of State, his Majesty being present, held at Versailles, the 22d November, 1788.

LAURENT DE VILLEDEUIL.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

Office for Foreign Affairs, March 9, 1789.

Dear Sir,

Since the 13th day of September nine States have not been represented in Congress, and since the 10th day of October last a sufficient number for ordinary business have not convened. No progress, therefore, could be made in the affairs of this department, and that will continue to be the case until the Government shall be organized. Many members of the new Congress are now here, but not a sufficient number of both Houses to form quorums. There is, nevertheless, reason to expect that both Houses will be in capacity next week to open the ballots for President and Vice President. It is generally supposed, and, indeed, known, that General Washington is chosen for the first, and Mr. Adams for the second.

I have been favored with your letters of 20th August, 3d, 5th, and 24th September, (extracts from the two last of which, relative to our

captives at Algiers and foreign officers, have been communicated to the Board of Treasury,) and 14th, 19th, and 29th November, 1788. The alterations in the Consular convention give satisfaction. The papers relative to it have been perused by several members of Congress. Your conduct is greatly and deservedly commended.

The reasons assigned for your wishing to make a short visit to America, are, in my opinion, sufficient to justify you in asking for leave, and Congress in granting it; but, my dear sir, there is no Congress sitting, nor have any of their servants authority to interfere. As soon as the President shall be in office, I will, without delay, communicate your letters to him, and give the business all the despatch in my power.

To this I shall be prompted not only by official duty, but by that personal esteem and regard, with which I am, &c.,

JOHN JAY.

—O—

FROM THOMAS JEFFERSON TO JOHN ADAMS.

Paris, December 5, 1788.

Dear Sir,

I had the honor of writing to you on the 2d of August, and of adding a postscript of August the 6th.

* * * * *

You recollect well the *arrêt* of December the 29th, in favor of our commerce, and which among other things gave a free admission to our whale oil under a duty of about two louis a ton. In consequence of the English treaty, their oils flowed in, and overstocked the market. The light duty they were liable to under the treaty, still lessened by false estimates, and aided by the premiums of the British Government, enabled them to undersell the French and American oils. This produced an outcry of the Dunkirk fishery. It was proposed to exclude all European oils which would not infringe the British treaty. I could not but encourage this idea, because it would give to the French and American fisheries a monopoly of the French market. The *arrêt* was drawn up; but in the very moment of passing it, they struck out the word *European*, so that our oils became involved. This I believe was the effect of a single person in the Ministry. As soon as it was known to me, I wrote to Monsieur de Montmorin, and had conferences with him and

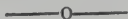
the other Ministers. I found it necessary to give them information on the subject of the whale fishery, of which they knew little, but from the partial information of their Dunkirk adventurers. I therefore wrote the observations, (of which I enclose you a printed copy,) had them printed to entice them to read them, and particularly developed the expense at which they are carrying on that fishery, and at which they must continue it, if they do continue it. This part was more particularly intended for M. Necker, who was quite a stranger to the subject, who has principles of economy, and will enter into calculations. Other subjects are incidentally introduced. Though little connected with the main question, they had been called for by other circumstances. An immediate order was given for the present admission of our oils till they could form an *arrêt*, and at a conference the draught of an *arrêt* was communicated to me, which reëstablished that of December the 29th. They expressed fears that under cover of our name, the Nova Scotia oils would be introduced; and a blank was left in the draught for the means of preventing that. They have since proposed that the certificate of their Consul shall accompany the oils to authorize their admission; and this is what they will probably adopt. It was observed that if our States would prohibit all foreign oils from being imported into them, it would be a great safeguard, and an encouragement to them to continue the admission. Still there remains an expression in the *arrêt* that it is provisory only. However, we must be contented with it as it is; my hope being that the Legislature will be transferred to the National Assembly, in whose hands it will be more stable, and with whom it will be more difficult to obtain a repeal should the Ministry hereafter desire it. If they could succeed in drawing over as many of our Nantucket men as would supply their demands of oil, we might then fear an exclusion, but the present *arrêt* as soon as it shall be passed will, I hope, place us in safety till that event, and that event may never happen. I have entered into all these details, that you may be enabled to quiet the alarm which must have been raised by the *arrêt* of September the 24th, and assure the adventurers that they may pursue their enterprises as safely as if that had never been passed, and more profitably, because we participate now of a monopolized instead of an open market. The enclosed observations, though printed, have only been given to the Ministers, and one or two other confidential persons. You will

see that they contain matter which should be kept from the English, and will therefore trust them to the perusal only of such persons as you can confide in. We are greatly indebted to the Marquis de la Fayette for his aid on this as on every other occasion. He has paid the closest attention to it, and combatted for us with the zeal of a native.

The necessity of reconducting my family to America, and of placing my affairs there under permanent arrangements, has obliged me to ask of Congress a six months' absence, to wit, from April to November next. I hope, therefore, to have the pleasure of seeing you there, and particularly that it will be at New York that I shall find you.

Be so good as to present my sincere esteem to Mrs. Adams, and believe me, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 11, 1789.

Sir,

My last letters have been of the 14th, 19th, and 29th of November, by the way of London. The present will go the same way, through a private channel. All military operations in Europe seem to have been stopped by the excessive severity of the weather. In this country it is unparalleled in so early a part of the winter, and in duration, having continued since the middle of November, during which time it has been as low as nine degrees below nought, that is to say, forty-one degrees below freezing, by Fahrenheit's thermometer, and has increased the difficulties of the Administration here. They had before to struggle with the want of money, and want of bread for the people, and now the want of fuel for them, and want of employment. The siege of Oczakow is still continued, the soldiers sheltering themselves, in the Russian manner, in subterraneous barracks, and the Captain Pacha has retired with his fleet. The death of the King of Spain has contributed, with the insanity of the English King, to render problematical the form which the affairs of Europe will ultimately take. Some think a peace possible between the Turks and the two Empires, with the cession of the

Crimea to the former, as less important to Russia than Poland, which she is in danger of losing. In this case, the two Empires might attack the King of Prussia, and the scene of war be only changed. He is certainly uneasy at the accident happened to his principal ally. There seems no doubt but that the Prince of Wales will be sole regent; but it is also supposed they will not give him the whole executive powers, and particularly that of declaring war without the consent of the Parliament. Should his personal dispositions, therefore, and that of a new Ministry, be the same which the King had of coöperating with Prussia, yet the latter cannot count on their effect; probably the Parliament will not consent to war, so that I think we may consider the two great Powers of France and England as absolutely at rest for some time. As the character of the Prince of Wales is becoming interesting, I have endeavored to learn what it truly is. This is less difficult in his case than in that of other persons of his rank, because he has taken no pains to hide himself from the world. The information I most rely on is from a person here, with whom I am intimate, who divides his time between Paris and London, an Englishman by birth, of truth, sagacity, and science. He is of a circle when in London which has had good opportunities of knowing the Prince; but he has also, himself, had special occasions of verifying their information by his own personal observation. He happened, when last in London, to be invited to a dinner of three persons. The Prince came by chance, and made the fourth. He eat half a leg of mutton, did not taste of small dishes, because small, drank Champagne and Burgundy as small-beer during dinner, and Bordeaux after dinner, as the rest of the company. Upon the whole, he eat as much as the other three, and drank about two bottles of wine, without seeming to feel it. My informant sat next him, and being till then unknown to the Prince personally, (though not by character,) and lately from France, the Prince confined his conversation almost entirely to him. Observing to the Prince that he spoke the French without the least foreign accent, the Prince told him that when very young his father had put only French servants about him, and that it was to that circumstance he owed his pronounciation. He led him from this to give an account of his education, the total of which was the learning a little Latin. He has not a single element of mathematics, of natural or moral philosophy, or of any other science on earth. Nor has the society he has

kept been such as to supply the void of education. It has been that of the lowest, the most illiterate and profligate persons of the kingdom, without choice of rank or merit, and with whom the subjects of conversation are only horses, drinking-matches, bawdy-houses, and in terms the most vulgar. The young nobility, who begin by associating with him, soon leave him, disgusted with the insupportable profligacy of his society; and Mr. Fox, who has been supposed his favorite, and not over nice in the choice of company, would never keep his company habitually. In fact, he never associated with a man of sense. He has not a single idea of justice, morality, religion, or of the rights of man, nor any anxiety for the opinion of the world. He carries that indifference of fame so far, that he would probably not be hurt were he to lose his throne, provided he could be assured of having always meat, drink, horses, and women. In the article of women, nevertheless, he has become more correct since his connexion with Mrs. Fitzherbert, who is an honest and worthy woman. He is even less scrupulous than he was. He had a fine person, but it is becoming coarse. He possesses good native common sense; is affable, polite, and very good humored, saying to my informant, on another occasion, "Your friend such a one dined with me yesterday, and I made him damned drunk." He replied, "I am sorry for it; I had heard that your royal highness had left off drinking." The Prince laughed, tapped him on the shoulder very good naturedly, without saying a word, or ever after showing any displeasure. The Duke of York, who was for sometime cried up as the prodigy of the family, is as profligate, and of less understanding. To these particular traits, from a man of sense and truth, it would be superfluous to add the general terms of praise or blame, in which he is spoken of by other persons, in whose impartiality and penetration I have less confidence. A sample is better than a description. For the peace of Europe, it is best that the King should give such gleamings of recovery, as would prevent the Regent or his Ministry from thinking themselves firm, and yet that he should not recover. This country advances with a steady pace towards the establishment of a constitution whereby the people will resume the greatness of those powers so fatally lodged in the hands of the King. During the sessions of the Notables, and after their votes against the rights of the people, the Parliament of Paris took up the subject and passed a vote in opposition to theirs, (which I send you;) this was not their genuine

sentiment. It was a manœuvre of the young members, who are truly well disposed, taking advantage of the accidental absence of many old members, and bringing others over by the clause which, while it admits the negative of the States General in legislation, reserves still to the Parliament the right of enregistering; that is to say, another negative. The Notables persevered in their opinion. The Princes of the blood (Monsieur and the Duke d'Orleans excepted) presented and published a memoir, threatening scission. The Parliament were proposing to approve of that memoir, (by way of rescinding their former vote,) and were prevented from it by the threat of a young member to impeach (*denoncer*) the memoir and the princes who have signed it. The vote of the Notables, therefore, remaining balanced by that of the Parliament, the voice of the nation becoming loud and general for the rights of the *tiers état*, a strong probability, that if they were not allowed one half the representation, they would send up their members with express instructions to agree to no tax, to no adoption of the public debts, and the Court really wishing to give them a moiety of the representation. This was decided on ultimately. You are not to suppose that these dispositions of the Court proceed from any love of the people or justice towards their rights. Courts love the people always as wolves do the sheep. The fact is this, the Court wants money. From the *tiers état* they cannot get it, because they are already squeezed to the last drop. The clergy and the nobles, by their privileges and influence, have hitherto screened their property in a great degree from public contribution. That half of the orange then remains yet to be squeezed, and for this operation there is no agent powerful enough but the people. They are, therefore, brought forward as the favorites of the Court, and will be supported by them. The moment of crisis will be the meeting of the States, because their first act will be to decide whether they shall vote by persons or by orders. The clergy will leave nothing unattempted to obtain the latter, for they see that the spirit of reformation will not confine itself to the political, but will extend to the ecclesiastical establishment also. With respect to the nobles, the younger members are generally for the people, and the middle-aged are daily coming over to the same side, so that by the time the States meet, we may hope there will be a majority of that body also in favor of the people, and consequently for voting by persons, and not orders.

You will perceive, by the report of M. Necker, (in the gazette of France :) 1st. A renewal of the renunciation of the power of imposing a new tax by the King, and a like renunciation of the power to continue any old one. 2d. An acknowledgment that the States are to appropriate the public moneys, which will go to the binding the Court to a civil list. 3d. A consent to the periodical meeting of the States. 4th. To consider of the restriction of which *lettres de cachet* are susceptible. 5th. The degree of liberty to be given to the press. 6th. A bill of rights. 7th. There is a passage which looks towards the responsibility of Ministers. Nothing is said of communicating to them a share in the legislation. The Ministry, perhaps, may be unwilling to part with this, but it will be insisted on in the States. The letters of convocation will not appear till towards the latter end of the month ; neither time nor place are yet declared, but Versailles is talked of, and we may well presume that some time in April may be fixed on. In the mean time, M. Necker gets money to keep the machine in motion. Their funds rose slowly but steadily till within these few days that there was a small check. However, they stand very well, and will rise. The *caisse d'escompte* lent the Government twenty-five millions two days ago. The navy of this country sustained a heavy loss lately by the death of the Bailli de Suffrein. He was appointed Generalissimo of the Atlantic, when war was hourly expected with England, and is certainly the officer on whom the nation would have reposed its principal hopes in such a case. We just now hear of the death of the Speaker of the House of Commons before the nomination of a regent, which adds a new embarrassment to the reëstablishment of Government in England.

Since writing mine of November 29th, yours of the 23d of September came to hand. As the General of the Mathurins was to be employed in the final redemption of our captives, I thought that their previous support had better be put into his hands, and conducted by himself, in such a way as not to counterwork his plan of redemption, whenever we can enable him to begin on it. I gave him full powers as to the amount and manner of subsisting them. He has undertaken it, informing me, at the same time, that it will be on a very low scale, to avoid suspicion of its coming from the public. He spoke of but three sous a day per man, as being sufficient for their physical necessities, more than which he thinks it not advisable

to give. I have no definitive answer yet from our bankers, whether we may count on the whole million last agreed to be borrowed, but I have no doubt of it, from other information, though I have not their formal affirmative. The gazettes of Leyden and France to this date accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 14, 1789.

Sir,

In my letter of the 11th I have said nothing of the *arrêt* explanatory of that of September 28th, on the subject of whale oils, which my letter of November 19th gave you reason to expect; though this explanatory *arrêt* has been passed so long ago as the 7th of December, it had not been possible for me to obtain an authentic copy of it till last night. I now enclose that to you, with a copy of a letter to me, from Mr. Necker, on the subject. The reception of our oils in the mean time, is provided for by an intermediate order. You will observe that in the *arrêt* it is said to be passed "*provisoirement*," and that Mr. Necker expressly holds up to us, in his letter, a repeal whenever the national fishery supplies their wants. The *arrêt*, however, is not limited in its duration, and we have several chances against its repeal. It may be questioned whether Mr. Necker thinks the fishery worth the expense. It may be well questioned whether, with or without encouragement, the nation whose navigation is least economical of all in Europe, can ever succeed in the whale fishery, which calls for the most rigorous economy. It is hoped that a share in the legislation will pass immediately into the hands of the States General, so as to be no longer in the power of the *commis* of a bureau, or even of his Minister, to smuggle a law through unquestioned; and we may even hope that the national demand for this oil will increase faster than both their and our fisheries together will supply. But in spite of all these hopes, if the English should find means to cover their oils under our name, there will be great danger of a repeal. It is essential, then, that our Government take effectual measures to prevent the English from obtaining genuine sea-papers, and that they enable their Consuls in the ports of France (as soon as they shall be named) to detect counterfeit papers, and that we

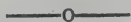
convince this Government that we use our best endeavors with good faith, as it is clearly our interest to do; for the rivalry of the English is the only one we have to fear. It had already begun to render our oils invendible in the ports of France. You will observe that Mr. Necker renews the promise of taking off the *ten sous pour livre* at the end of the next year.

Oczakow is at length taken by assault. The assailants were fourteen thousand, and the garrison twelve thousand, of whom seven thousand were cut to pieces before they surrendered. The Russians lost three thousand men. This is the Russian version, of which it is safe to believe no part but that Oczakow is taken..

The Speaker of the English House of Commons having died suddenly, they have chosen Mr. Grenville, a young man of twenty-seven years of age. This proves that Mr. Pitt is firm with the present Parliament.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM M. NECKER TO THOMAS JEFFERSON.

Translation.

Versailles, January 11, 1789.

Sir,

I have the honor to send you a copy of the *arrêt* which has just been returned to the Council to explain the one of the 28th of September last, to except from the prohibitions therein contained whale bone, whale oil, spermaceti, and fish oil, arising from the fisheries of the United States of America, and imported into France in vessels belonging to the subjects of the United States or France. These articles will continue to be entered as heretofore, agreeably to the dispositions of the *arrêt* of the 29th December last, that is to say, subject to the duty of 7*l.* 10*s.* per barrel of oil weighing five hundred and twenty pounds, and 6*l.* 13*s.* 4*d.* per quintal of whale bone, and 10 *sols* per livre, (over and above both duties,) which shall cease on the last of December, 1790. His Majesty is always disposed to favor as far as possible the commerce of the United States, but he is bound to give a preference to the national commerce; and it would be contrary to the spirit of justice which inspires him, were he to allow the importation of foreign oils whenever the national fishery shall be adequate to the supply of the

kingdom. For this reason, therefore, his Majesty's wisdom could only permit a provisional importation of American oil and whale bone, until the national fishery is capable of supplying the wants of France. But the United States are sufficiently acquainted with the equity which regulates all his Majesty's inclinations to be persuaded that when the national oils shall be sufficient for the consumption of the kingdom, the American oil and whale bone, which shall be found embarked at the time of that revocation, shall be admitted into France until it shall be known in America, and he has charged me to acquaint you with it.

I make no doubt but that the United States of America will consider this decision of his Majesty as a fresh proof of his desire to keep up the most intimate connexion between the two nations, and to give proofs thereof; and on their part he expects they will add to the precautions prescribed by this *arrêt* such as may be in their power to prevent the fraudulent importation of foreign oil and whale bone under the name of American.

I have the honor to be, &c.,

NECKER.

Translation.

Arrêt of the King's Council of State, excepting Whale and other Fish Oils, and also Whale Bone, the product of the Fisheries of the United States of America, from the prohibition contained in the arrêt of the 28th September last.

December 7, 1788.

Extract from the Registers of the Council of State.

The King having taken information on the *arrêt* pronounced in his Council, the 28th December last, prohibiting the importation of whale oil and spermaceti, the produce of foreign fisheries into the kingdom, observing that oil made from sea-calves and other fish and sea animals, not being comprehended in the said *arrêt*, a fraudulent importation of whale oil might take place under the name of the aforesaid oils, and that on the other hand, it might be inferred from the tenor of the said *arrêt* that oils, the produce of the fisheries of the United States, were prohibited; and his Majesty wishing to remove every doubt on this head, to provide, therefore, for the same,

having heard the report of the *Sieur Lambert*, Counsellor of State in Ordinary, and of the Council of Despatches, and Royal Council of Finances and Commerce, the King being present in his Council, has ordained, and does ordain that, reckoning from the 1st day of April next, oil made from sea-calves, and from fish and other sea animals produced from foreign fisheries, as well as whale bone produced in like manner from the said foreign fisheries, shall be prohibited from importation into the kingdom, without permitting the said prohibition, nevertheless, to extend either to the said kinds of oils, or to the said whale oils and spermaceti, or the whale bone produced from the fisheries of the United States of America, and imported directly into France in French vessels, or those belonging to the subjects of the said United States, which shall continue to be provisionally admitted, agreeably to the 1st and 3d articles of the *arrêt* of the 29th of December last; on condition, however, that the captains of the said vessels belonging to the United States bring with them certificates from the Consul of France residing in the ports of the said United States, or where these cannot be obtained, from the magistrates of the places where the embarkation of the said oil shall be made, for the purpose of proving that the cargo of the said vessels is the produce of the fisheries carried on by the citizens of the United States; which certificates shall be presented to the officers of the Admiralty, also to the Commissioners of the Farms in the ports of France where it shall be landed, to be mentioned in the report of their arrival. His Majesty commands and orders the Duke de Penthièvre, Admiral of France, the Intendants and Commissaries throughout the provinces, Commissaries appointed to observe the ordinances of the Admiralty, Masters of Ports, Judges of Treaties, and all others whom it may concern to assist in the execution of the present *arrêt*, which shall be registered in the offices of the said Admiralties, read, published, and posted wherever it may appear necessary.

Done in the King's Council of State, his Majesty being present, held at Versailles the 7th of December, 1788.

LA LUZERNE.

The Duke de Penthièvre, Admiral of France, having seen the above *arrêt* of the King's Council of State, and the other parts addressed to us, we command all those over whom our power extends to execute it and cause it to be executed, each as his duty is,

agreeably to its form and tenor. We order the officers of the Admiralties to register it in the office of their jurisdictions, to read, publish, and post it wherever it may be necessary.

Done at Vernon, the 20th of December, 1788.

L. J. M. DE BOURBON.

And beneath, by his most Serene Highness.

PERIER.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, January 21, 1789.

Sir,

Having had the honor of addressing you so lately as the 11th and 14th instant, I should not so soon have troubled you again but that since the departure of those letters I have received one from the Count de la Luzerne, of which I now send a copy, together with another copy of the *arrêt* of December 7th, lest the former should be longer getting to you. You will perceive that the Ministry press for our concurrence, in endeavoring to prevent the English from running in their oils under our cover. Whatever regulations may be thought of by us, it will be advisable to consult their Minister, and their Consuls even if practicable, and to adopt with complaisance what they may prefer, so far as our policy will admit. The Ministry here will judge of the efficacy of our measures from the representations of their Minister principally, and of their Consuls.

Nothing new having taken place since my last, I have only to add assurances of the sentiments of esteem and respect with which I have the honor to be, &c.,

TH: JEFFERSON.

Maritime Commerce and Fisheries.

FROM THE COUNT DE LA LUZERNE TO THOMAS JEFFERSON.

Translation.

Versailles, January 18, 1789.

Sir,

I have the honor to send you copies of the *arrêt* of the Council delivered the 7th December last, which excepts oil and whale bone arising from the fishery of subjects belonging to the United States

from the general prohibitions mentioned in the *arrêt* of the 7th* of December preceding. This exception, which is a consequence and proof of his Majesty's particular disposition in favor of the commerce of the United States, could not, however, be granted but provisionally, because it was impossible to lose sight of the motives of justice which claim an exclusive protection over the national fishery, which obliges him to reserve for it the entire supply of the kingdom, should it increase sufficiently for that purpose. But you must be well convinced that his Majesty will never decide on the adoption of this measure until the necessity shall be clearly proved, when precautions will be taken to secure the American merchants and fishermen from every surprise. In the actual state of affairs, I conceive it necessary to request you to observe that it equally interests the two nations to prevent a contraband trade in the importation of whale oil. The privilege granted to the subjects of the United States would become useless to them, as well as injurious to the French fishery, if other nations should likewise partake of this privilege by fraud, which it may be very difficult, perhaps, entirely to prevent. I make no doubt that sufficient precautions will be taken in this respect in the ports of the United States. I shall give orders to the Consuls residing there to concert with the heads of Administration to determine the form of the certificates required by the *arrêt* of the 7th December, and to adopt such measures as can be effected, to assure the truth of the facts necessary to be attested. I request you, sir, to demand that the necessary aid may be granted to prevent any surprises from such as would endeavor to carry on a contraband trade, and attempt the introduction of a foreign oil under the name of American.

I have the honor to be, &c.,

LA LUZERNE.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, February 4, 1789.

Sir,

Your favor of November 25th, by Gouverneur Morris, is duly received. I must beg you to take the trouble of decyphering yourself what follows, and to communicate it to nobody but the President, at least for the present.

* Error for 28th September.

We had before understood, through different channels, that the conduct of the Count de Moustier was politically and morally offensive. It was delicate for me to speak on the subject to the Count de Montmorin. The invaluable mediation of our friend, the Marquis de la Fayette, was, therefore, resorted to, and the subject explained, though not pressed. Later intelligence, showing the necessity of pressing it, it was yesterday resumed, and represented through the same medium to the Count de Montmorin that recent information proved to us that his Minister's conduct had rendered him personally odious in America, and might even influence the dispositions of the two nations; that his recall was become a matter of mutual concern; that we had understood he was instructed to remind the new Government of their debt to this country, and that he was in the purpose of doing it in very harsh terms; that this could not increase their desire of hastening payment, and might wound their affections; that, therefore, it was much to be desired that his discretion should not be trusted to as to the form in which the demand should be made, but that the letter should be written here, and he instructed to add nothing; nor was his private conduct omitted. The Count de Montmorin was sensibly impressed. He very readily determined that the letter should be formed here, but said that the recall was a more difficult business; that as they had no particular fact to allege against the Count de Moustier, they could not recall him from that Ministry without giving him another, and there was no vacancy at present. However, he would hazard his first thoughts on the subject, saving the right of correcting them by further consideration. They were these: That there was a loose expression in one of M. de Moustier's letters, which might be construed into a petition for leave of absence; that he would give him permission to return to France; that it had been before decided, on the request of the Marquis de la Luzerne, that Otto should go with him to London; that they would send a person to America as Chargé d'Affaires in place of Otto, and that if the President (General Washington) approved of him, he should be afterwards made Minister. He had cast his eye on Colonel Ternant, and desired the Marquis to consult me, whether he would be agreeable. At first I hesitated, recollecting to have heard Ternant represented in America as an hypochondriac, discontented man, and paused for a moment between him and Barthelemy, at London, of whom I have heard a

great deal of good. However, I concluded it safer to take one whom we knew and who knew us. The Marquis was decidedly of this opinion. Ternant will see that his predecessor is recalled for unconciliatory deportment, and that he will owe his own promotion to the approbation of the President. He established a solid reputation in Europe by his conduct when Generalissimo of one of the United Provinces, during their late disturbances; and it is generally thought that if he had been put at the head of the principal province, instead of the Rhingrave de Salm, he would have saved that cause. Upon the whole, I believe you may expect that the Count de Moustier will have an immediate leave of absence, which will soon after become a recall in effect. I will try also to have the Consuls admonished as to the line of conduct they should observe. I shall have the honor of writing you a general letter within a few days. I have now that of assuring you of the sentiments of sincere esteem and respect, &c.,

TH: JEFFERSON.

Paris, March 14.—The operation mentioned in my letter of February 4, is going on. Montmorin has proposed to Ternant to go as Chargé d’Affaires. Ternant called on me a few days ago, to know whether I thought his appointment would be agreeable to us; though he is obliged to give up his regiment, which is a certainty for life, for this mission, which is uncertain in its duration, he will do it. Perhaps Otto may be left awhile longer to put Ternant into the train of affairs. I suppose M. de Moustier will have received his leave of absence before you receive this.

March 18.—Ternant has again seen Montmorin, who told him that in the beginning of April he would decide finally about his mission.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, March 1, 1789.

Sir,

My last letters have been of the 11th, 14th, and 21st of January. The present conveyance being through the post to Havre, from

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whence a vessel is to sail for New York, I avail myself of it, principally, to send you the newspapers. That of Leyden of the 24th, contains a note of the Chargé d’Affaires of France at Warsaw, which is interesting. It shows a concert between France and Russia; it is a prognostication that Russia will interfere in the affairs of Poland, and if she does, it is more probable that the King of Prussia must be drawn into the war. The revolution which has taken place in Geneva is a remarkable and late event. With the loss of only two or three lives, and in the course of one week, riots begun at first on account of a rise in the price of bread, were improved and pointed to a reformation of their constitution, and their ancient constitution has been almost completely reëstablished; nor do I see any reason to doubt of the permanence of the reëstablishment. The King of England has shewn such marks of returning reason, that the Regency bill was postponed in the House of Lords on the 19th instant. It seems now probable there may be no change of the Ministry; perhaps no Regent. We may be sure, however, that the present Ministry make the most of those favorable symptoms. There has been a riot in Brittany, begun on account of the price of bread, but converted into a quarrel between the *noblesse and tiers état*. Some few lives were lost in it. All is quieted for the present moment. In Burgundy and Franche Compté, the opposition of the nobles to the views of the Government is very warm. Everywhere else, however, the revolution is going on quietly and steadily, and the public mind ripening so fast that there is great reason to hope a good result from the States General. Their numbers (about 1200) give room to fear, indeed, that they may be turbulent. Having never heard of Admiral Paul Jones since the action in which he took a part before Oczakow, I began to be a little uneasy; but I have now received a letter from him, dated at St. Petersburg, the 31st of January, where he had just arrived, at the desire of the Empress. He has hitherto commanded on the Black sea. He does not know whether he shall be employed there or where, the ensuing campaign. I have no other interesting intelligence which would not lead me into details improper for the present mode of conveyance. After observing, therefore, that the gazettes of France and Leyden to the present date accompany this, I shall only add assurances of the sincere esteem and respect with which I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, March 12, 1789.

Sir,

I had the honor of addressing you on the 1st instant, through the post. I write the present, uncertain whether Mr. Nesbitt, the bearer of your last, will be the bearer of this, or whether it may not have to wait some other private occasion. They have reëstablished their packet-boats here, indeed, but they are to go from Bordeaux, which being between four and five hundred miles from hence, is too far to send a courier with any letters but on the most extraordinary occasions, and without a courier they must pass through the post office. I shall therefore not make use of this mode of conveyance, but prefer sending my letters by a private hand, by the way of London. The uncertainty of finding private conveyances to London is the principal objection to this.

On the receipt of your letter advising me to purchase the two volumes of Deane's letters and accounts, I wrote to the person who had them, and, after some offers and refusals, he let me have them for 25 louis, instead of 120 louis asked at first. He told me that Deane had still six or eight volumes more, and that when he should return to London he would try to get them, in order to make himself whole for the money he had lent Deane. As I knew he would endeavor to make us pay dear for them, and it appeared to be your opinion, and that of the members you had consulted, that it was an object worthy attention, I wrote immediately to a friend in London, to endeavor to purchase them from Deane himself, whose distresses and crapulous habits will probably render him more easy to deal with. I authorized him to go as far as fifty guineas; I have as yet no answer from him. I enclose you a letter which I wrote last month to our bankers in Holland. As it will itself explain the cause of its being written, I shall not repeat its substance here. In answer to my proposition to pay bills for the medals and the redemption of our captives, they quote a resolution of Congress (which, however, I do not find in the printed journal) appropriating the loans of 1787 and 1788 to the payment of interest of the Dutch loans till 1790, inclusive, and the *residue* to salaries and contingencies in Europe, and they agree that, according to this, they are not to pay anything in Europe till they shall first have enough to pay all the interest which will become due to the end of the year 1790; and

that it is out of personal regard that they relax from this so far as to pay diplomatic salaries. So that here is a clear declaration, they will answer no other demands till they have in hand money enough for all the interest to the end of the year 1790. It is but a twelve-month since I have had occasion to pay attention to the proceedings of those gentlemen; but, during that time, I have observed, that as soon as a sum of interest is becoming due, they are able to borrow just that and no more; or at least only so much more as may pay our salaries and keep us quiet. Were they not to borrow for the interest, the failure to pay that would sink the value of the capital, of which they are considerable sharers. So far, their interests and ours concur. But there, perhaps, they may separate. I think it possible they may choose to support our credit to a certain point, and let it go no further, but at their will, to keep it so poised as that it may be at their mercy. By this they will be sure to keep us in their own hands. They write word to the Treasury, that in order to raise money for the February interest, they were obliged to agree with the subscribers that Congress should open no other loan at Amsterdam this year till this one be filled up, and that this shall not be filled but by the present subscribers, and they not obliged to fill it. This is delivering us, bound hand and foot, to the subscribers; that is, to themselves. Finding that they would not raise money for any other purposes, without being pushed, I wrote the letter I enclose you. They answer, as I have stated, by refusing to pay, alleging the appropriation of Congress. I have written again, to press them further, and to propose to them the payment of thirty thousand florins only, for the case of our captives, as I am in hopes this may do. In the close of my letter to them, you will observe I refer them, as to the article of foreign officers, to the Board of Treasury. I had, in truth, received the printed journals a few days before, but had not yet had time to read them carefully, and particularly had not then noted the vote of Congress of August 20th, directing me to attend to that article. I shall not fail to do what I can in it, but I am afraid they will consider this also as standing on the same ground with the other contingent articles.

This country being generally engaged in its elections, affords nothing new and worthy of communication. The hopes of accommodations between Turkey and the two empires do not gain strength. The war between Russia and Denmark on the one hand, and Sweden

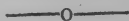
on the other, is likely also to go on, the mediation of England being rendered of little force by the accident to its executive. The progress of this war, and also of the broils in Poland, may possibly draw the King of Prussia into it during the ensuing campaign; and it must, before it be finished, take in this country, and perhaps England. The ill humor on account of the Dutch revolution continues to rankle here. They have recalled their Ambassador from the Hague, manifestly to show their dissatisfaction with that Court, and some very dry memorials have lately been exchanged on the subject of the money this country assumed to pay the Emperor for the Dutch. I send you very full extracts of these, which will show you the dispositions of the two Courts towards each other. Whether, and when, this country will be able to take an active part, will depend on the issue of their States General. If they fund their public debts judiciously, and will provide further funds for a war on the English plan, I believe they will be able to borrow any sum they please. In the meantime, the situation of England will leave them at leisure to settle their internal affairs well. That Ministry, indeed, pretend their King is perfectly reestablished. No doubt they will make the most of his amendment, which is real to a certain degree. But, as under pretence of this, they have got rid of the daily certificate of the physicians, and they possessed of the King's person, the public must judge hereafter from such facts only as they can catch. There are several at present, which, put together, induce a presumption that the King is only better, not well. And should he be well, time will be necessary to give a confidence that it is not merely a lucid interval. On the whole, I think we may conclude that that country will not take a part in the war this year, which was by no means certain before.

M. del Pinto, formerly Minister of Portugal at London, and the same who negotiated the treaty with us, being now put at the head of the Ministry of that country, I presume that negotiation may be renewed successfully, if it be the desire of our Government. Perhaps an admission of our flour into their ports may be obtained now, as M. del Pinto seemed impressed with our reasoning on that subject, and promised to press it on his Court, though he could not then venture to put it into the treaty. There is not the same reason to hope any relaxation as to our reception in Brazil, because he would scarcely let us mention that at all. I think myself, it is their interest

to take away all temptations to our coöperation in the emancipation of their colonies; and I know no means of doing this but the making it our interest that they should continue dependant, nor any other way of making this our interest but by allowing us a commerce with them. However, this is a mode of reasoning which their Ministry, probably, could not bear to listen to.

I send herewith the gazettes of France and Leyden, and have the honor to be, &c.,

TH: JEFFERSON.



THOMAS JEFFERSON TO MESSRS. WILLINKS AND VAN STAPHORSTS.

Paris, February 22, 1789.

Gentlemen,

I have just received your joint letter of the 16th instant to me, and have perused that of the same date to the board of Treasury, which you were so kind as to enclose for my perusal. I shall immediately forward it to them. You therein state the balance in your hands to be 123,674 florins, to which will be added the nett produce of one hundred and three bonds engaged, though not yet delivered, and you say there will then be a deficiency of about 100,000 florins for the June interest. From this an implication arises, that you consider this balance as a deposit for the June interest, and propose again to postpone the article of 60,000 florins, appropriated in the estimate we left you, to a particular purpose as of the last year. But I must observe to you that this article is of a nature not to admit such postponement. The situations it is intended to relieve are too cruel to be suffered. That estimate was under the eyes of Congress when they approved the loan which was to fulfil its views. The order of appropriation is as much established by their will as the sums appropriated; and priority in order gives priority of right. Though that article stands among those which should have been furnished in 1788, I said nothing when I found you were postponing it to the interest of February, 1789, but I did not expect it would be again proposed to postpone it to that of June; and were I to be silent now, it might afterwards be postponed to that of February, and so on, without end. Besides my instructions from Congress, which do not leave me at liberty to permit this object to lose its turn,

besides the pressing cries of humanity, which urge its right, another reason is superadded. I have asked and hope to receive leave to go to America in the ensuing spring, and shall not return till the fall. Were I to leave Europe without setting this business into motion, it would be suspended till my return, which no consideration will permit. As I expect, then, to sail about the middle of April, I must draw on you in the course of the month of March for these 60,000 florins, and I hope the same motives will urge you to honor the draft which will oblige me to make it. Besides this, the article of the medal stands before that of either the February or June interest; and as my departure would render it necessary that these also should be finished, and their execution requires time, I have been obliged to enter into contracts with the several workmen, who are already well advanced in their work, and will finish it by the middle of April. They will soon become entitled to partial payments, so that I must immediately begin these drafts on you, and make the whole of them between this and the middle of April. With respect to the appropriation for the foreign officers, I have no orders; I presume they will be sent to you. Should your two houses concur in sentiment on the subject of this letter, I shall hope to receive your joint answer, as usual. Should they differ in opinion, I must ask your answers separately.

I have the honor to be, &c.,

TH: JEFFERSON.

MEMORIAL.

M. Lestevenon de Berkenrode (the Dutch Ambassador at the Court of Versailles) delivered, some time ago, a memorial to the Court of France, for the purpose of reminding the King of the four and a half millions which the Court, under the administration of the Count de Vergennes, engaged to pay in virtue of the treaty of peace, signed at Fontainebleau, between the Court of Vienna and the Plenipotentiary and the States General, in consideration of the sum of eight millions of German florins, valued at ten millions of Dutch florins, five and a half of which at the charge of the States General, and four and a half France undertook to furnish to procure peace for the Republic.

He was answered by the Count de Montmorin, that this memorial would be laid before the King. The Council having considered it,

sent a note thereon to the States General by M. Caillard, Chargé d'Affaires from the Court at the Hague, wherein they ascend as far as the last war between France and England, which gave cause to the alliance between His Majesty and the Republic. They mention therein the two ships of the line, that was offered to the King, and also the war between his Majesty the Emperor, and the Republic, France, by its good offices at the Court of Vienna, stifled in its birth, by consolidating a peace between the two States. It is said therein that it is true that the King took upon himself the payment of the four and a half millions of florins in order to procure it, but that T. H. M., not having given the two sail of the line, which they offered, and not having regarded the demand of the King's Ambassador, in June last, to stipulate at the end of the treaty of alliance subsisting with France, a clause to counterbalance the advantages granted to England in the new alliance with the Republic in contravention to that with France; that T. H. M., in their political changes having proscribed such members of the States, as had not contributed to form this alliance, and having *by this means shaken themselves the basis of this pecuniary convention, it appeared to the King that he was disengaged from complying with it, and that he submitted this consideration to the T. H. M's. wisdom and justice.*

We understand that on the 22d January, T. H. M. answered this note by a long memorial, of which the following is the substance:

They therein express their acknowledgments for the signal services which the Court of France has rendered them during the war between the Republic and Great Britain, (in which the State was involved by causes which the King cannot be ignorant of,) T. H. M. are penetrated with the generous manner in which the King has restored the reconquered possessions belonging to the Republic, in the two Indies, that they wish for nothing more than to contribute, if the case happens, all in their power towards the prosperity of the French arms, by virtue of the alliance subsisting between the two States.

That the King completed his kindness by preventing, through his powerful mediations, a war with which the Emperor menaced the Republic, and by procuring a peace by sacrificing four and a half millions, the four first instalments of which the King has already paid.

That T. H. M., full of confidence in the words of the King, had expected the same payment of the other periods with the like promptitude, and that they had attributed the delay of the payment of the two last periods *only to the circumstances of the Finances*, without renouncing them.

That it is true that one province of the Union made the proposition to the States General of offering to the King two ships of the line, but that the resolution was not taken.

That as to the alliances which T. H. M. have contracted, they conceive that an *independent State* is at liberty to form such political alliances as the safety of the country requires, *without being obliged to be answerable to any one whatever for its motives.*

That T. H. M. have remarked with as much pain as surprise, that the King's Minister has made use of the expression, "that T. H. M. *had themselves shaken the basis of the convention, and that they had proscribed from the Government the persons who had chiefly contributed to form the alliance with France.*"

That T. H. M. disavow this imputation, which can only be the work of such as envy the prosperity and happiness of the Republic, and have endeavored to abuse the King in every thing that relates to the affairs of the Republic.

That T. H. M. flatter themselves that the King, being better informed of the state of things, will render justice to the uprightness of T. H. M.'s intentions, which they will not cease to convince his Majesty of.

The remainder of the memorial respects the troubles that have so cruelly harassed the Republic; troubles that, like an epidemical disorder, have overrun all Europe.

T. H. M. say that a cabal, accustomed to bend every thing to their yoke, tyrannized over a part of the nation, which had since so clearly expressed its sentiments, that it had carried its audacity so far as to insult and offer violence to the Princess of Orange, whose virtues are admired by Europe, and who ought to be an object of veneration to all who profess principles of honor and justice.

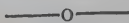
That his Majesty the King of Prussia, enraged at the insult offered his blood, in the person of his august sister, had demanded exemplary satisfaction, which had been refused him by the cabal, notwithstanding the representations of his Majesty; that the King of Prussia having armed his troops, entered in a very few days into the heart of

Holland, without availing himself of his advantages, and effected a revolution that will form an epoch in the annals of history; a revolution the more marvellous, as in reëstablishing the lawful Constitution, it tended to aggrandize no one person in the Republic.

There T. H. M. conclude with painting the cabal in the blackest colors. They charge it with having dared to employ the King's military officers in their culpable designs, (as T. H. M. have shewn,) as if the King had intended to have overturned the laws of the Republic.

T. H. M. repeat with pleasure the King's reiterated assurances that he would not intermeddle in an armed manner in the affairs of the Republic.

In the last place, T. H. M. declare that they cannot relinquish the King's sacred word for the payment, which constitutes the principal object of the memorial, and which, if present circumstances prevent the discharge, T. H. M. expect that a more favorable change will admit of it.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, March 15, 1789

Sir,

Since closing my letters which accompany this, I have received an answer from London on the subject of the other volumes of Déane's letters and accounts suggested to be still in his possession. This information renders it certain that none such are in his possession, and probably that no others exist but the two which I have purchased. I am in hopes, therefore, we may conclude that the recovery of these two volumes finishes that business.

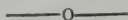
Mr. Nesbit having concluded to stay yet a while longer, my present despatches will go to London by a private conveyance which occurs to-morrow morning, from which place Mr. Trumbull will, as usual, find a safe occasion of forwarding them.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. *March 18th.*—Before the departure of my letters, the incident became known which has taken place in Sweden, and is minutely detailed in the gazette of Leyden of the 13th instant. It

proves that their King is bold, if not judicious. Attacked in the north by Russia, in the south by Denmark, his army at home disgusted, he has ventured, at one stroke, to place his whole body of nobles in hostile opposition, with all their dependencies in money and men. To those who do not know him, it will excite a presumption that he is assured the King of Prussia will go all lengths with him; but to those who know his character, it is only a proof the more that he is very foolhardy.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, May 8, 1789.

Dear Sir,

Your favor of January the 26th to March the 27th, is duly received, and I thank you for the interesting papers it contained. The answer of Don Ulloa, however, on the subject of the canal through the American Isthmus, was not among them, though mentioned to be so. If you have omitted it through accident, I shall thank you for it on some future occasion, as I wish much to understand that subject thoroughly. Our American information comes down to the 16th of March. There had not yet been members enough assembled of the new Congress to open the tickets. They expected to do it in a day or two. In the meantime, it was said from all the States that their vote had been unanimous for General Washington, and a good majority in favor of Mr. Adams, who is certainly, therefore, Vice President. The new Government would be supported by very cordial and very general dispositions in its favor from the people. I have not yet seen a list of the new Congress. This delay in the meeting of the new Government has delayed the determination on my petition for leave of absence. However, I expect to receive it every day, and am in readiness to sail the instant I receive it, so that this is probably the last letter I shall write you hence till my return. While there I shall avail Government of the useful information I have received from you, and shall not fail to profit of any good occasion which may occur to shew the difference between your real situation and what it ought to be. I consider Paris and Madrid as the two only points at which Europe and America should touch closely, and that a connexion at these points should be fostered.

We have had in this city a very considerable riot, in which about one hundred people have been probably killed. It was the most unprovoked, and is, therefore, justly the most unpitied catastrophe of that kind I ever knew. Nor did the wretches know what they wanted, except to do mischief. It seems to have had no particular connexion with the great national question now in agitation.

The want of bread is very seriously dreaded through the whole kingdom. Between twenty and thirty ship-loads of wheat and flour have already arrived from the United States, and there will be about the same quantity of rice sent from Charleston to this country directly, of which about half has arrived. I presume that between wheat and rice one hundred ship-loads may be counted on in the whole from us. Paris consumes about a ship-load a day, (say two hundred and fifty tons.) The total supply of the West Indies for this year rests with us, and there is almost a famine in Canada and Nova Scotia.

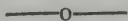
The States General was opened the day before yesterday. Viewing it as an opera, it was imposing; as a scene of business, the King's speech was exactly what it should have been, and very well delivered. Not a word of the Chancellor's was heard by anybody, so that as yet I have never heard a single guess at what it was about. Mr. Necker's was as good as such a number of details would permit it to be. The picture of their resources was consoling, and generally plausible. I could have wished him to have dwelt more on those great constitutional reformatations which his "*Rapport au roi*" had prepared us to expect. But they observe that these points were proper for the speech of the Chancellor. We are in hopes, therefore, that they were in that speech, which, like the revelations of St. John, were no revelations at all. The Noblesse, on coming together, shew that they are not as much reformed in their principles as we had hoped they would be. In fact, there is real danger of their totally refusing to vote by persons. Some found hopes on the lower clergy, who constitute four-fifths of the deputies of that order. If they do not turn their balance in favor of the *tièrs etat*, there is real danger of a scission; but I shall not consider even that event as rendering things desperate. If the King will do business with the *tièrs etat*, which constitutes the nation, it may be well done without priests or nobles.

From the best information I can obtain, the King of England's madness has terminated in an imbecility, which may very probably

be of long continuance. He is going with his Queen to Germany. England chained to rest, the other parts of Europe may recover or retain tranquillity.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 9, 1789.

Sir,

Since my letter of March 1st, by way of Havre, and those of March 12th and 15th by the way of London, no opportunity of writing has occurred till the present to London.

There are no symptoms of accommodation between the Turks and two Empires, nor between Russia and Sweden. The Emperor was, on the 16th of the last month, expected to die certainly; he was, however, a little better when the last news came away, so that hopes were entertained of him; but it is agreed that he cannot get the better of his disease ultimately, so that his life is not at all counted on. The Danes profess as yet to do no more against Sweden than furnish their stipulated aid. The agitation of Poland is still violent, though somewhat moderated by the late change in the demeanor of the King of Prussia. He is much less thrasonic than he was. This is imputed to the turn which the English politics may be rationally expected to take. It is very difficult to get at the true state of the British King; but from the best information we can get, his madness has gone off; but he is left in a state of imbecility and melancholy. They are going to carry him to Hanover, to see whether such a journey may relieve him. The Queen accompanies him. If England should, by this accident, be reduced to inactivity, the southern countries of Europe may escape the present war. Upon the whole, the prospect for the present year, if no unforeseen accident happens, is certain peace for the Powers not already engaged, a probability that Denmark will not become a principal, and a mere possibility that Sweden and Russia may be accommodated. The interior disputes of Sweden are so exactly detailed in the Leyden Gazette, that I have nothing to add on that subject.

The revolution of this country has advanced thus far without encountering anything which deserves to be called a difficulty. There have been mobs in a few instances, in three or four different places, in which there may have been a dozen or twenty lives lost. The exact truth is not to be got at. A few days ago a much more serious riot took place in this city, in which it became necessary for the troops to engage in regular action with the mob, and probably about one hundred of the latter were killed—accounts vary from twenty to two hundred. They were the most abandoned banditti of Paris, and never was a riot more unprovoked or unpitied. They began under a pretence that a paper manufacturer proposed in an assembly to reduce their wages to fifteen sous a day. They rifled his house, destroyed everything in his magazines and shops, and were only stopped in the career of mischief by the carnage above-mentioned.

Neither this nor any other of the riots has had a professed connexion with the great national reformation going on; they are such as have happened every year since I have been here, and as will continue to be produced by common incidents. The States General were opened on the 4th instant by a speech from the Throne, one by the *Garde des Sceaux*, and one from M. Necker. I hope they will be printed in time to send you herewith; lest they should not, I will observe that that of M. Necker stated the real and ordinary deficit to be 56,000,000, and that he shewed that this could be made up without a new tax, by economies and bonifications, which he specified. Several articles of the latter are liable to the objection that they are proposed on branches of the revenue of which the nation has demanded a suppression. He tripped too slightly over the great articles of constitutional reformation, these being not as clearly enounced in this discourse as they were in his "*Rapport au roi*," which I sent you some time ago. On the whole, his discourse has not satisfied the patriotic party. It is now for the first time that this revolution is likely to receive a serious check, and begins to wear a fearful appearance. The progress of light and liberty in the order of the Noblesse has equalled expectation in Paris only, and its vicinities. The great mass of deputies of that order which come from the country shew that the habits of tyranny over the people are deeply rooted in them. They will consent, indeed, to equal taxation, but five-sixths of that chamber are thought to be

decidedly for voting by orders ; so that, had this great preliminary question rested on this body, which formed heretofore the sole hope, that hope would have been completely disappointed. Some aid, however, comes in a quarter from whence none was expected. It was imagined the ecclesiastical elections would have been generally in favor of the higher clergy ; on the contrary, the lower clergy have obtained five-sixths of these deputations. These are the sons of peasants, who have done all the dredgery of the service for ten, twenty, and thirty guineas a year, and whose oppressions and penury, contrasted with the pride and luxury of the higher clergy, have rendered them perfectly disposed to humble the latter. They have done it, in many instances, with a boldness they were thought unsusceptible of. Great hopes have been formed that these would concur with the *tiers état*, in voting by persons. In fact, about half of them seem as yet so disposed ; but the bishops are intriguing, and drawing them over with the address, which has ever marked ecclesiastical intrigue. The deputies of the *tiers état* seem, almost to a man, inflexibly determined against the vote by orders. This is the state of parties, as well as can be judged from conversation only, during the fortnight they have been now together. But as no business has been yet begun, no votes as yet taken, this calculation cannot be considered as sure. A middle proposition is talked of, to form the two privileged orders into one chamber. It is thought more possible to bring them into it than the *tiers état*. Another proposition is to distinguish questions, referring those of certain descriptions to a vote by persons, others to a vote by orders. This seems to admit of endless altercation, and in the *tiers état* they manifest no respect for that, or any other modification whatever. Were this single question accommodated, I am of opinion there would not occur the least difficulty in the great and essential points of constitutional reformation. But on this preliminary question the parties are so irreconcilable that it is impossible to foresee what issue it will have. The *tiers état*, as constituting the nation, may propose to do the business of the nation, either with or without the minorities in the houses of the clergy and nobles, which side with them. In that case, if the King should agree to it, the majorities in those two houses would secede, and might resist the tax gatherers. This would bring on a civil war. On the other hand, the privileged orders, offering to submit to equal taxation, may propose to the King to

continue the Government in its former train, reserving to himself the power of taxation. Here the tax gatherers might be resisted by the people. In fine, it is but too possible that between parties so animated the King may incline the balance as he pleases. Happy, that he is an honest, unambitious man, who desires neither money nor power for himself; and that his most operative Minister, though he has appeared to trim a little, is still, in the main, a friend to public liberty.

I mentioned to you, in a former letter, the construction which our bankers at Amsterdam had put on the resolution of Congress appropriating the last Dutch loan, by which the money for our captives would not be furnished till the end of the year 1790. Orders from the Board of Treasury have now settled this question. The interest of the next month is to be first paid, and after that the money for the captives and foreign officers, is to be furnished before any other payment of interest; this ensures it when the next February interest becomes payable. My representations to them, on account of the contracts I had entered into for making the medals, have produced from them the money for that object, which is to be lodged in the hands of M. Grand.

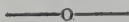
Mr. Necker, in his discourse, proposes, among his bonifications of revenue, the suppression of our two free ports, Bayonne and L'Orient, which, he says, occasion a loss of six hundred thousand livres annually, to the Crown, by contraband. (The speech being not yet printed, I state this only as it struck my ear when he delivered it. If I have mistaken it, I beg you to receive this as my apology, and to consider what follows as written on that idea only.) I have never been able to see that these free ports were worth one copper to us. To Bayonne our trade never went, and it is leaving L'Orient. Besides, the right of *entrepôt* is a perfect substitute for the right of free port. The latter is a little less troublesome only to the merchants and captains. I should think, therefore, that a thing so useless to us, and prejudicial to them, might be relinquished by us, on the common principles of friendship. I know the merchants of these ports will make a clamor, because the franchise covers their contraband with all the world. Has Monsieur de Moustier said any thing to you on this subject? It has never been mentioned to me. If not mentioned in either way, it is rather an indecent proceeding, considering that this right of free port is founded in treaty. I shall

ask of M. de Montmorin, on the first occasion, whether he has communicated this to you through his Minister; and if he has not, I will endeavor to notice the infraction to him in such a manner as neither to reclaim nor abandon the right of free port, but leave our Government free to do either.

The gazettes of France and Leyden, as usual, will accompany this. I am in hourly expectation of receiving from you my leave of absence, and keep my affairs so arranged that I can leave Paris within eight days after receiving the permission.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, May 12, 1789.

Sir,

I am this moment returned from Versailles, and it is the last moment allowed me to write by this occasion. The *tiers état* remain unshaken in their resolution to do no business with the other orders but voting by persons. The Nobles are equally determined, and by a majority of four-fifths or five-sixths, to vote only by orders. Committees of accommodation, indeed, are appointed, but with little prospect of effect. Already the minority of the Nobles begin to talk of abandoning their body, and going to take their places among the *Tiers*. Perhaps they may be followed by the timid part of their order; and it might be hoped by a majority of the Clergy, which still remain undebauched by the Bishops. This would form a States General of the whole *Tiers*, a majority of the Clergy, and a fraction of the Nobles. This may be considered, then, as one of the possible issues this matter may take, should reconciliation be impracticable. I am able to speak now more surely of the situation of the Emperor. His complaint is pulmonary—the spitting of blood is from the lungs; the hemorrhage which came on was critical, and relieved him for the moment, but the relief was momentary only. There is little expectation he can last long. The King of England's voyage to Hanover is spoken of more doubtfully. This would be an indication that his complaint is better, or, at least, not worse. I find, on receiving Mr. Necker's discourse in print, that he has not proposed, in direct terms, to put down our free ports. The

expression is "*on se borne en ce moment a vous faire observer,*" &c. I spoke on the subject with M. de Montmorin to-day, and he says they meant and mean to confer with me on it before my departure. I spoke to him also to bring Schweighauser's and Dobrée's affair to a conclusion, and to M. Rayneval on the same subject. They told me they had just received a letter from the Count de la Luzerne, justifying the detention of our stores; that they were so much dissatisfied with the principles he advanced, that they should take upon themselves to combat and protest against them, and to insist on a clear establishment of the rule that the property of one sovereign within the dominions of another is not liable to the territorial jurisdiction. They have accordingly charged one of their ablest counsel with the preparation of a *memoir* to establish this point.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. Mr. Necker's discourse accompanies this.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 17, 1789.

Sir,

I had the honor of addressing you on the 9th and 12th of May, by the way of London. This goes through the same channel, to the care of Mr. Trumbull. Having received no letter from you of later date than the 25th of November, I am apprehensive that there may have been miscarriages, and the more so, as I learn through another channel, that you have particularly answered mine of November the 19th.

The death of the Grand Seignor, which has happened, renders the continuance of the war more probable, as it has brought to the throne a successor of a more active and ardent temper, and who means to put himself at the head of his armies. He has declared the Captain Pacha his *Generalissimo*. The prospects for Russia, on the other hand, are less encouraging. Her principal ally, the Emperor, is at death's door, blazing up a little, indeed, from time to time, like an expiring taper, but certainly to extinguish soon. Denmark, too, is likely to be restrained by the threat of England and Prussia from contributing even her stipulated naval succors. It is

some time since I have been able to obtain any account of the King of England, on which I can rely with confidence. His melancholy continues, and to such a degree as to render him absolutely indifferent to every thing that passes, so that he seems willing to let his Ministers do every thing they please, provided they will let him alone. When forced to speak, his comprehension seems better than it was in the first moments after his phrenzy went off. His health is bad; he does not go into public at all, and very few are admitted to see him. This is his present state, according to the best accounts I have been able to get lately. His Ministers dictate boldly in the north, because they know it is impossible they should be engaged in war, while this country is so completely palsied.

You will have seen, by my former letters, that the question whether the States General should vote by persons or by orders, had stopped their proceedings in the very first instance in which it could occur; that is, as to the ratification of their powers; and that they had appointed committees to try if there were any means of accommodation. These could do nothing. The King then proposed they should appoint others, to meet persons whom he should name on the same subject. These conferences also proved ineffectual. He then proposed a specific mode of verifying. The clergy accepted it unconditionally. The *Noblesse*, with such conditions and modifications as did away their acceptance altogether. The commons, considering this as a refusal, came to the resolution of the 10th instant, (which I have the honor to send you,) inviting the two other orders to come and take their places in the common room, and notifying that they should proceed to the verification of powers, and to the affairs of the nation, either with or without them.

The Clergy have, as yet, given no answer. A few of their members have accepted the invitation of the Commons, and have presented themselves in their room to have their powers verified; but how many it will detach, in the whole, from that body, cannot be known till an answer be decided on. The *Noblesse* adhered to their former resolutions, and even the minority, well disposed to the Commons, thought they could do more good in their own chamber, by endeavoring to increase their numbers, and fettering the measures of the majority, than by joining the Commons. An intrigue was set on foot between the leaders of the majority in that house, the Queen, and Princes. They persuaded the King to go for some time to

Marly. He went. On the same day the leaders moved in the Chambers of the *Noblesse* that they should address the King, to declare his own sentiments on the great questions between the orders. It was intended that this address should be delivered to him at Marly, where, separated from his Ministers, and surrounded by the Queen and Princes, he might be surprised into a declaration for the nobles. The motion was lost, however, by a very great majority, that Chamber being not yet quite ripe for throwing themselves into the arms of despotism. Necker and Montmorin, who had discovered this intrigue, had warned some of the minority to defeat it, or they could not answer for what would happen. These two, and St. Priest, are the only members of the Council in favor of the Commons. Luzerne, Puy-Segur, and the others, are high aristocrats. The Commons having verified their powers, a motion was made the day before yesterday to declare themselves constituted and to proceed to business. I left them at two o'clock yesterday, the debate not then finished. They differed only about forms of expression, but agreed in the substance, and probably decided yesterday, or will decide to-day. The next move, I fancy, will be to suppress all taxes, and instantly reëstablish them till the end of their session, in order to prevent a premature dissolution; and then they will go to work on a declaration of rights and a constitution. The *Noblesse*, I suppose, will be employed altogether in counter operations; the Clergy, that is to say, the higher clergy, and such of the *curés* as they can bring over to their side, will be waiting and watching merely to keep themselves in their saddles. Their deportment hitherto is that of meekness and cunning. The fate of the nation depends on the conduct of the King and his Ministers. Were they to side openly with the Commons, the revolution would be completed without a convulsion by the establishment of a constitution totally free, and in which the distinction of Noble and Commoner would be suppressed. But this is scarcely possible. The King is honest, and wishes the good of his people; but the expediency of an hereditary aristocracy is too difficult a question for him. On the contrary, his prejudices, his habits, and his connexions decide him in his heart to support it. Should they decide openly for the *Noblesse*, the Commons, after suppressing taxes, and finishing their declaration of rights, would probably go home; a bankruptcy takes place in the instant, Mr. Necker must go out, a resistance to the

tax gatherers follows, and probably a civil war. The consequences are too evident and violent to render this issue likely. Though the Queen and Princes are infatuated enough to hazard it, the party in the Ministry would not. Something, therefore, like what I hinted in my letter of May 12th is still the most likely to take place. While the Commons, either with or without their friends of the other two houses, shall be employed in framing a constitution, perhaps the Government may set the other two houses to work on the same subject, and when the three schemes shall be ready, joint committees may be negotiated to compare them together, to see in what parts they agree; and probably they will agree in all, except the organization of the future States General. As to this, it may be endeavored, by the aid of wheedling and intimidation, to induce the two privileged chambers to melt themselves into one, and the Commons, instead of one, to agree to two houses of legislation. I see no other middle ground to which they can be brought.

It is a tremendous cloud, indeed, which hovers over this nation, and he at the helm has neither the courage nor the skill necessary to weather it. Eloquence in a high degree, knowledge in matters of account and order, are distinguished traits in his character. Ambition is his first passion, virtue his second. He has not discovered that sublime truth, that a bold, unequivocal virtue, is the best handmaid even to ambition, and would carry him further in the end than the temporizing, wavering policy he pursues. His judgment is not of the first order, scarcely even of the second; his resolution frail, and, upon the whole, it is rare to meet an instance of a person so much below the reputation he has obtained. As this character, by the post and times in which Providence has placed it, is important to be known, I send it to you as drawn by a person of my acquaintance, who knows him well. He is not, indeed, his friend, and allowance must, therefore be made for the high coloring. But this being abated, the facts and groundwork of the drawing are just. If the *Tiers* separate, he goes at the same time; if they stay together, and succeed in establishing a constitution to their minds, as soon as that is placed in safety they will abandon him to the mercy of the Court, unless he can recover the confidence which he has lost at present, and which, indeed, seems to be irrecoverable.

The inhabitants of St. Domingo, without the permission of the Government, have chosen and sent deputies to the States General.

The question of their admission is to be discussed by the States. In the mean time, the Government had promised them an assembly in their own Island in the course of the present year. The death of the Dauphin, so long expected, has at length happened. Montmorency told Ternant the other day that de Moustier had now asked a *congé* which would be sent him immediately; so that, unless a change of Ministry should happen, he will probably be otherwise disposed of. The gazettes of France and Leyden accompany this.

I have the honor to be, &c.,

TH: JEFFERSON.

P. S. *June 18th.*—The motion under debate with the Commons for constituting their assembly passed yesterday by a majority of four hundred and odd against eighty odd. The latter were for it in substance, but wished some particular amendment. They proceeded instantly to the subject of taxation. A member who called on me this moment gave me a state of the proceedings of yesterday from memory, which I enclose you. He left the house a little before the question was put, because he saw there was no doubt of its passing and his brother, who remained till the decision, informed him of it. So that we may expect, perhaps, in the course of to-morrow, to see whether the Government will interpose with a bold hand, or will begin a negotiation. But, in the mean time, this letter must go off. I will find some other opportunity, however, of informing you of the issue.

T. J.

Character of M. Necker, accompanying the preceding Letter.

Nature bestowed on M. Necker an ardent passion for glory without, at the same time, granting him those qualities required for its pursuit by direct means. The union of a fruitful imagination with a limited talent, with which she has endowed him, is always incompatible with those faculties of the mind which qualify their possessor to penetrate, to combine, and to comprehend all the relations of objects.

He had probably learned in Geneva, his native country, the influence which riches exercise on the success of ambition, without having recourse to the school of Paris, where he arrived about the twenty-eighth year of his age. A personal affair with his brother, in which the chiefs of the Republic conducted themselves unjustly towards him, the circumstances of which, moreover, exposed him to

ridicule, determined him to forsake his country. On taking his leave, he assured his mother that he would make a great fortune in Paris. On his arrival he engaged himself as clerk at a salary of six hundred livres, with the banker Thelusson, a man of extreme harshness in his intercourse with his dependants. The same cause which obliged other clerks to abandon the service of Thelusson, determined Necker to continue in it. By submitting to the brutality of his master with a servile resignation, whilst at the same time he devoted the most unremitting attention to his business, he recommended himself to his confidence, and was taken into partnership. Ordinary abilities only were requisite to avail him of the multitude of favorable circumstances, which, before he entered into the Administration, built up a fortune of six million of livres. He owed much of his good fortune to his connexions with the Abbé Terrai, of whose ignorance he did not scruple to profit. His riches, his profession, his table, and a virtuous, reasonable, and well informed wife, procured him the acquaintance of many persons of distinction, among whom were many men of letters, who celebrated his knowledge and wisdom.

The wise and just principles by which Turgot aimed to correct the abuses of the Administration, not having been received with favor, he seized the occasion to flatter ignorance and malignity by publishing his work against the freedom of the corn trade.

He had published, two years before, an eulogy on Colbert. Both these productions exhibited the limited capacity of a banker, and in no degree the enlarged views of a statesman. Not at all delicate the choice of his means, he succeeded to his wish in his object, which was the establishing himself in public opinion. Elevated by a secret cabal, to the direction of the finances, he began by refusing the salaries of his office. He affected a spirit of economy and austerity, which imposed even on foreign nations, and shewed the possibility of making war without laying new taxes. Such, at least, was his boast; but, in reality, they have been increased under his administration about twenty millions, partly by a secret augmentation of the *bailles* and of the poll-tax, partly by some verifications of the *twentieths*, and partly by the natural progression, which is tested by the amount of taxes on consumption, the necessary result of the successive increase of population, of riches, and of expensive tastes.

All these circumstances reared for him an astonishing reputation, which his fall has consecrated. People will not reflect, that in the short period of his ministry he had more than doubled his fortune. Not that he peculated on the public Treasury, his good sense and pride forbade a resort to this measure of weak minds, but by resorting to loans and the costly operations of the bank to provide the funds of war, and being still connected with the house to which he addressed himself for much the greater part of his negotiations. They have not remarked that his great principles of economy have nothing more than a false show, and that the loans resorted to, in order to avoid the imposition of taxes, have been the source of the mischief which has reduced the finances to their present alarming condition.

As to his *compte rendu*, he has been forgiven the nauseous panegyric which he has passed upon himself, and the affectation of introducing his wife into it for the purpose of praising her; and we are spared the trouble of examining his false calculations. M. de Calonne has undertaken this investigation. Without being able to vindicate himself, he has already begun to unmask his antagonist, and he promises to do it effectually.

Necessity has recalled this man to the Ministry, and it must be confessed that he is, beyond comparison, a less mischievous Minister than his predecessors. I would compare him to a steward, who, by his management, does not entirely ruin his master, but who enriches himself at his expense. The desire of glory should inspire him as much as possible with the energy requisite for the public business. There is every likelihood that his ministry will not endure long enough to cause it to feel the effects of his false principles of administration; and it is he alone who is *able*, if any one can, to preserve order in the finances until the reform is effected, which we hope from the assembling of the States General. In the meantime, the public estimation of his talents and virtue is not so high as it has been. There are persons who pretend that he is more firmly established in public opinion than he ever was. They deceive themselves. The ambitious desire he has always manifested of getting again into the Administration, his work on the importance of religious opinions, and the *memoires* of M. de Calonne, have greatly impaired his reputation.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 24, 1789.

Sir,

My letter of 17th and 18th instant, gave you the progress of the States General to the 17th, when the *Tiers* had declared the illegality of all the existing taxes, and their discontinuance from the end of their present session. The next day being a *jour de fête*, could furnish no indication of the impression that vote was likely to make on the Government. On the 19th a council was held at Marly, in the afternoon. It was there proposed that the King should interpose by a declaration of his sentiments in a *séance royale*. The declaration prepared by M. Necker, while it censured in general the proceedings both of the Nobles and Commons, announced the King's views such as substantially to coincide with the Commons. It was agreed to in Council, as also that the *séance royale* should be held on the 22d, and the meeting till then be suspended. While the Council was engaged in this deliberation at Marly, the Chamber of the Clergy was in debate whether they should accept the invitation of the *Tiers* to unite with them in the common chamber. On the first question, to unite simply and unconditionally, it was decided in the negative by a very small majority. As it was known, however, that some members who had voted in the negative would be for the affirmative with some modifications, the question was put with these modifications, and it was determined by a majority of eleven members that their body should join the *Tiers*. These proceedings of the Clergy were unknown to the Council at Marly, and those of the Council were kept secret from everybody. The next morning (the 20th) the members repaired to the house as usual, found the doors shut and guarded, and a proclamation posted for holding a *séance royale* on the 22d, and a suspension of their meetings till then. They presumed in the first moment that their dissolution was decided, and repaired to another place, where they proceeded to business. They there bound themselves to each other by an oath never to separate of their own accord till they had settled a constitution for the nation on a solid basis, and, if separated by force, that they would reassemble in some other place. It was intimated to them, however, that day, privately, that the proceedings of the *séance royale* would be favorable to them. The next day they met in a church, and were joined

by a majority of the clergy. The heads of the aristocracy, viz: the Queen, Count d'Artois, and Prince de Condé, saw that all was lost without some violent exertion. The King was still at Marly. Nobody was permitted to approach him but their friends. He was assailed by lies in all shapes. He was made to believe that the Commons were going to absolve the army from their oath of fidelity to him, and then to raise its pay. The Queen abandoned herself to rage and despair. They procured a committee to be held, consisting of the King and his Ministers, to which Monsieur —— and the Count d'Artois should be admitted. At this committee the latter attacked Mr. Necker personally, arraigned his plan, and proposed one which some of his engines had put into his hands, for his own talents go no further than a little poor wit. Mr. Necker, whose characteristic is the want of firmness, was browbeaten and intimidated, and the King shaken. He determined that the two plans should be deliberated on the next day, and the *séance royale* put off a day longer. This encouraged a fiercer attack on Mr. Necker the next day; his plans were totally dislocated, and that of the Count d'Artois inserted into it. Himself and M. de Montmorin offered their resignation, which was refused, the Count d'Artois saying to Mr. Necker, "No, sir; you must be kept as an hostage; we hold you responsible for all the ill which shall happen." This change of plan was immediately whispered without doors. The nobility were in triumph, the people in consternation. When the King passed the next day through the lane they formed from the chateau to the *Hotel des états*, (about half a mile,) there was a dead silence. He was about an hour in the house delivering his speech and declaration, copies of which I enclose you. On his coming out, a feeble cry of "*vive le roy*" was raised by some children, but the people remained sullen and silent. When the Duke d'Orleans followed, however, their applauses were excessive. This must have been sensible to the King. He had ordered in the close of his speech that the members should follow him, and resume their deliberations the next day. The *Noblesse* followed him, and so did the Clergy, except about thirty, who, with the *Tiers*, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came twice to order them out of the room, in the King's name; but they refused to obey. In the afternoon,

the people, uneasy, began to assemble in great numbers in the courts and vicinities of the palace. The Queen was alarmed and sent for M. Necker. He was conducted amidst the shouts and acclamations of the multitude, who filled all the apartments of the palace. He was a few minutes only with the Queen, and about three quarters of an hour with the King. Not a word has transpired of what passed at these interviews. The King was just going out to ride. He passed through the crowd to his carriage, and into it, without being in the least noticed. As M. Necker followed him, universal acclamations were raised of *vive Monsieur Necker, vive le sauveur de la France opprimée*. He was conducted back to his house with the same demonstrations of affection and anxiety; about two hundred deputies of the *Tiers*, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. These circumstances must wound the heart of the King, desirous as he is to possess the affection of his subjects. As soon as the proceedings at Versailles were known at Paris, a run began on the *caisse d'escompte*, which is the first symptom always of the public diffidence and alarm. It is the less in condition to meet the run, as M. Necker has been forced to make free with its funds for the daily support of the Government. This is the state of things as late as I am able to give them with certainty, at this moment. My letter not having to go off till to-morrow evening, I shall go to Versailles to-morrow, and be able to add the transactions of this day and to-morrow.

June 25.—Just returned from Versailles. I am enabled to continue my narration. On the 24th nothing remarkable passed, except an attack by the mob of Versailles on the Archbishop of Paris, who had been one of the instigators of the Court to the proceedings of the *séance royale*. They threw mud and stones at his carriage, broke the windows of it, and he in a fright promised to join the *Tiers*.

This day (the 25th) forty-eight of the Nobles have joined the *Tiers*. Among these is the Duke d'Orleans. The Marquis de la Fayette could not be of the number, being restrained by his instructions. He is writing to his constituents to change his instructions or to accept his resignation. There are with the *Tiers* now one hundred and sixty-four members of the Clergy, so that the common

chamber consists of upwards of eight hundred members. The minority of the Clergy, however, call themselves the Chamber of the Clergy, and pretend to go on with business. I found the streets of Versailles much embarrassed with soldiers. There was a body of about one hundred horse drawn up in front of the hotel of the States, and all the avenues and doors guarded by soldiers. Nobody was permitted to enter but the members, and this was by order of the King; for till now the doors of the common room have been open, and at least two thousand spectators attending their debates constantly. They have named a deputation to wait on the King, and desire a removal of the soldiers from their doors, and seem determined, if this was not complied with, to remove themselves elsewhere.

Instead of being dismayed with what had passed, they seem to rise in their demands, and some of them to consider the erasing every vestige of a difference of order, as indispensable to the establishment and preservation of a good Constitution. I apprehend there is more courage than calculation in this project. I did imagine that, seeing that M. Necker and themselves were involved as common enemies in the hatred of the aristocrats, they would have been willing to make common cause with him, and to wish his continuance in office; and that M. Necker, seeing that all the trimming he has used towards the Court and Nobles has availed him nothing, would engage himself heartily and solely on the popular side, and view his own salvation in that alone. The confidence which the people place in him seems to merit some attention. However, the mass of the common chamber are absolutely indifferent to his remaining in office. They consider his head as unequal to the planning a good Constitution, and his fortitude to a coöperation in the effecting it. His dismissal is more credited to-day than it was yesterday. If it takes place he will retain his popularity with the nation, as the members of the States will not think it important to set themselves against it; but, on the contrary, will be willing that he should continue on their side on his retirement. The run on the *caisse d'escompte* continues. The members of the States admit that M. Necker's departure out of office will occasion a stoppage of public payments. But they expect to prevent any very ill effect by assuring the public against any loss, and by taking immediate measures for continuing payment. They may, perhaps, connect

these measures with their own existence, so as to interest the public in whatever catastrophe may be aimed at them. The gazettes of France and Leyden accompany this. During the continuance of this crisis, and my own stay, I shall avail myself of every private conveyance to keep you informed of what passes.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, June 29, 1789.

Sir,

My letter of 28th gave you the transactions of the States General to the afternoon of that day. On the next, the Archbishop of Paris joined the *Tiers*, as did some others of the Clergy and *Noblesse*. On the 27th, the question of the St. Domingo deputation came on, and it was decided that it should be received. I have before mentioned to you the ferment into which the proceedings at the *séance royale* of the 23d, had thrown the people. The soldiery also were affected by it. It began in the French guards, extended to those of every other denomination, (except the Swiss,) and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not cut the throats of their fellow-citizens. They were treated and caressed by the people, carried in triumph through the streets, called themselves the soldiers of the nation, and left no doubt on which side they would be in case of a rupture. Similar accounts came in from the troops in other parts of the kingdom, as well those which had not heard of the *séance royale* as those which had, and gave good reason to apprehend that the soldiery in general would side with their fathers and brothers, rather than with their officers. The operation of this medicine at Versailles was as sudden as it was powerful. The alarm there was so complete, that in the afternoon of the 27th the King wrote a letter to the President of the Clergy, the Cardinal de la Rochefoucault, in these words:*

“My cousin, wholly engaged in promoting the general good of my kingdom, and desirous, above all things, that the assembly of the States General should apply themselves to objects of general interest, after the voluntary acceptance by your order of my declara-

* A translation is here given.

'tion of the 23d of the present month; I pass my word that my
 'faithful clergy will, without delay, unite themselves with the other
 'two orders to hasten the accomplishment of my paternal views.
 'Those whose powers are too limited, may decline voting until new
 'powers are procured. This will be a new mark of attachment
 'which my clergy will give me. I pray God, my cousin, to have
 'you in His holy keeping. LOUIS."

A like letter was written to the Duke de Luxemburgh, President of the *Noblesse*. The two Chambers entered into a debate on the question whether they should obey the letter of the King. There was a considerable opposition, when notes, written by the Count d'Artois to sundry members, and handed about amongst the rest, decided the matter, and they went in a body and took their seats with the *Tiers*, and thus rendered the union of the orders in one Chamber complete. As soon as this was known to the people of Versailles, they assembled about the palace, demanded the King and Queen, who came and shewed themselves in the balcony. They rent the skies with cries of "*vive le roi*," "*vive la reine*." They called for the Dauphin, who was also produced, and was the subject of new acclamations. After feasting themselves and the royal family with this tumultuary reconciliation, they went to the houses of M. Necker and M. de Montmorin, with shouts of thankfulness and affection. Similar emotions of joy took place in Paris, and at this moment the triumph of the *Tiers* is considered as complete. To-morrow they will recommence business, voting by persons on all questions; and whatever difficulties may be opposed in debate by the malcontents of the Clergy and Nobility, every thing must be finally settled at the will of the *Tiers*. It remains to see whether they will leave to the Nobility any thing but their titular appellations. I suppose they will not. M. Necker will probably remain in office. It would seem natural that he should endeavor to have the hostile part of the council removed; but I question if he finds himself firm enough for that. A perfect coöperation with the *Tiers* will be his wisest game. This great crisis being now over, I shall not have matter interesting enough to trouble you with as often as I have done lately. There has nothing remarkable taken place in any other part of Europe.

I have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 19, 1789.

Dear Sir,

I am become very uneasy lest you should have adopted some channel for the conveyance of your letters to me, which is unfaithful. I have none from you of later date than November the 25th, 1788, and of consequence no acknowledgment of the receipt of any of mine since that of August the 11th, 1788. Since that period I have written to you of the following dates: 1788, August the 20th; September the 3d, 5th, 24th; November the 14th, 19th, 29th; 1789, January the 11th, 14th, 21st; February the 4th; March the 1st, 12th, 14th, 15th; May the 9th, 11th, 12th; June the 17th, 24th, 29th. I know, through another person, that you have received mine of November the 29th, and that you have written an answer; but I have never received the answer, and it is this which suggests to me the fear of some general source of miscarriage.

The capture of three French merchant ships by the Algerines, under different pretexts, has produced great sensation in the sea-ports of this country, and some in its Government. They have ordered some frigates to be armed at Toulon to punish them. There is a possibility that this circumstance, if not too soon set to rights by the Algerines, may furnish occasion to the States General, when they shall have leisure to attend to matters of this kind, to disavow any future tributary treaty with them. These pirates respect still less their treaty with Spain, and treat the Spaniards with an insolence greater than was usual before the treaty.

The scarcity of bread begins to lessen in the southern parts of France, where the harvest has commenced. Here it is still threatening, because we have yet two or three weeks to the beginning of harvest, and I think there has not been three days' provision beforehand in Paris for two or three weeks past. Monsieur de Mirabeau, who is very hostile to M. Necker, wished to find a ground for censuring him in a proposition to have a great quantity of flour furnished from the United States, which he supposed me to have made to M. Necker, and to have been refused by him; and he asked time of the States General to furnish proofs. The Marquis de la Fayette immediately gave me notice of this matter, and I wrote him a letter to disavow having ever made any such proposition to

M. Necker, which I desired him to communicate to the States. I waited immediately on M. Necker and Monsieur de Montmorin, satisfied them that what had been suggested was absolutely without foundation from me, and, indeed, they had not needed this testimony. I gave them copies of my letter to the Marquis de la Fayette, which was afterwards printed. The Marquis, on the receipt of my letter, showed it to Mirabeau, who turned then to a paper from which he had drawn his information, and found he had totally mistaken it. He promised immediately that he would himself declare his error to the States General, and read to them my letter, which he did. I state this matter to you, though of little consequence in itself, because it might go to you misstated in the English papers.

Our supplies to the Atlantic ports of France, during the months of March, April, and May, were only twelve thousand two hundred and twenty quintals, thirty-three pounds of flour, and forty-four thousand one hundred and fifteen quintals, forty pounds of wheat, in twenty-one vessels.

My letter of the 29th of June brought down the proceedings of the States and Government to the reunion of the orders, which took place on the 27th. Within the Assembly matters went on well. But it was soon observed that troops, and particularly the foreign troops, were on their march towards Paris from various quarters, and that this was against the opinion of M. Necker. The King was probably advised to this, under pretext of preserving peace in Paris and Versailles, and saw nothing else in the measure. But his advisers are supposed to have had in view, when he should be secured and inspirited by the presence of the troops, to take advantage of some favorable moments, and surprise him into an act of authority for establishing the declaration of the 23d of June, and perhaps dispersing the States General, is probable. The Marshal de Broglie was appointed to command all the troops within the Isle of France, a high-flying aristocrat, cool, and capable of every thing. Some of the French guards were soon arrested under other pretexts, but in reality on account of their dispositions in favor of the national cause. The people of Paris forced the prison, released them, and sent a deputation to the States General to solicit a pardon. The States, by a most moderate and prudent *arrêté*, recommended these prisoners to the King, and peace to the people of Paris. Addresses came in to them from several of the great cities, expressing sincere allegiance

to the King, but a determined resolution to support the States General. On the 8th of July, they voted an address to the King to remove the troops. This piece of masculine eloquence, written by Monsieur de Mirabeau, is worth attention on account of the bold matter it expresses and discovers through the whole. The King refused to remove the troops, and said they might remove themselves, if they pleased, to Noyons or Soissons. They proceeded to fix the order in which they will take up the several branches of their future constitution, from which it appears they mean to build it from the bottom, confining themselves to nothing in their ancient form but a King. A declaration of rights, which forms the first chapter of their work, was then proposed by the Marquis de la Fayette. This was on the 11th. In the mean time, troops, to the number of about twenty-five or thirty thousand, had arrived, and were posted in and between Paris and Versailles. The bridges and passes were guarded. At three o'clock in the afternoon, the Count de la Luzerne was sent to notify M. Necker of his dismissal, and to enjoin him to retire instantly, without saying a word of it to any body. He went home, dined, proposed to his wife a visit to his friend, but went in fact to his country-house at St. Ouen, and at midnight set out from thence for Brussels. This was not known till the next day, when the whole Ministry was changed, except Villedeuil, of the domestic department, and Barentin, *Garde des Sceaux*. The changes were as follows: the Baron de Breteuil, President of the Council of Finance; and de la Galaisiere, Comptroller General, in the room of M. Necker; the Marshal de Broglie, Minister of War; and Foulon, under him, in the room of Puy Segur; Monsieur de la Vauguyon, Minister of Foreign Affairs, instead of Monsieur de Montmorin; de la Porte, Minister of Marine, in place of the Count de la Luzerne; St. Priest was also removed from the Council. It is to be observed that Luzerne and Puy Segur had been strongly of the aristocratical party in Council; but they were not considered as equal to bear their shares in the work now to be done. For this change, however sudden it may have been in the mind of the King, was, in that of his advisers, only the second chapter of a great plan, of which the bringing together the foreign troops had been the first. He was now completely in the hands of men, the principal among whom had been noted through their lives for the Turkish despotism of their character, and who were associated about the King as proper instru-

ments for what was to be executed. The news of this change began to be known in Paris about one or two o'clock. In the afternoon, a body of about one hundred German cavalry were advanced and drawn up in the *Place Louis XV.*, and about two hundred Swiss posted at a little distance in their rear. This drew the people to that spot, who naturally formed themselves in front of the troops, at first merely to look at them, but, as their numbers increased, their indignation arose. They retired a few steps, posted themselves on and behind large piles of loose stones, collected in that place for a bridge adjacent to it, and attacked the horse with stones. The horse charged, but the advantageous position of the people, and the showers of stones obliged them to retire, and even quit the field altogether, (leaving one of their number on the ground.) The Swiss in their rear were observed never to stir. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorers' shops and private houses, and with bludgeons, and were roaming all night through all parts of the city, without any decided and practicable object. The next day the States pressed on the King to send away the troops, to permit the *Bourgeoisie* of Paris to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquillize them. He refused all their propositions, and a committee of magistrates and electors of the city were appointed by their bodies to take upon them its government. The mob, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn market. Here they got some arms, and the French guards began to form and train them. The city committee determined to raise forty-eight thousand Bourgeois, or rather to restrain their numbers to forty-eight thousand. On the 14th they sent one of their members (Monsieur de Corny, whom we knew in America) to the *Hotel des Invalides*, to ask arms for the *garde Bourgeoise*. He was followed by, or he found there, a great mob. The Governor of the Invalides came out, and represented the impossibility of his delivering arms without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; and the people took possession of the arms. It was remarkable that not only the Invalides themselves

made no opposition, but that a body of five thousand foreign troops, encamped within four hundred yards, never stirred. Monsieur de Corny and five others were then sent to ask arms of Monsieur de Launai, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make the demands of the Governor, and in that instant a discharge from the Bastile killed four people of those nearest to the Deputies. The Deputies retired; the people rushed against the place, and almost in an instant were in possession of a fortification, defended by one hundred men, of infinite strength, which, in other times, had stood several regular sieges, and had never been taken. How they got in, has, as yet, been impossible to discover. Those who pretend to have been of the party, tell so many different stories as to destroy the credit of them all. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury, carried the Governor and Lieutenant Governor to the *Grève*, (the place of public execution,) cut off their heads, and sent them through the city in triumph to the Palais Royal. About the same instant, a treacherous correspondence having been discovered on Monsieur de Flesselles, *Prevost des Marchands*, they seized him in the Hotel de Ville, where he was in the exercise of his office, and cut off his head.

These events, carried imperfectly to Versailles, were the subject of two successive deputations from the States to the King, to both of which he gave dry and hard answers; for it has transpired that it had been proposed and agitated in Council to seize on the principal members of the States General, to march the whole army down upon Paris, and to suppress its tumults by the sword. But at night the Duke de Liancourt forced his way into the King's bed-chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed deeply impressed. The decapitation of M. de Launai worked powerfully through the night on the whole aristocratical party, in so much that in the morning those of the greatest influence on the Count d'Artois represented to him the absolute necessity that the King should give up everything to the States. This according well enough with the dispositions of the King, he went about eleven o'clock, accompanied only by his brother, to the

States General, and there read to them a speech, in which he asked their interposition to reëstablish order. Though this be couched in terms of some caution, yet the manner in which it was delivered made it evident that it was meant as a surrender at discretion. He returned to the chateau afoot, accompanied by the States. They sent off a deputation, the Marquis de la Fayette at their head, to quiet Paris. He had the same morning been named commander-in-chief of the *Milice Bourgeoise*, and Monsieur Bailly, former President of the States General, was called for as *Prevost des Marchands*. The demolition of the Bastile was now ordered, and begun. A body of the Swiss guards of the regiment of Ventimille and the city horse-guards joined the people. The alarm at Versailles increased instead of abating. They believed that the aristocrats of Paris were under pillage and carnage; that one hundred and fifty thousand men were in arms, coming to Versailles to massacre the royal family, the Court, the Ministers, and all connected with them, by their practices and principles. The aristocrats of the Nobles and Clergy in the States General vied with each other in declaring how sincerely they were converted to the justice of voting by persons, and how determined to go with the nation all its lengths. The foreign troops were ordered off instantly. Every Minister resigned. The King confirmed Bailly as *Prevost des Marchands*, wrote to M. Necker to recall him, sent his letter open to the States General, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night, and the next morning, the Count d'Artois and a Monsieur de Montesson, (a deputy connected with him,) Madame Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbé de Vermont, her confessor, the Prince of Condé, and the Duke de Bourbon, all fled, we know not whither. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, I will only observe, that the King's carriage was in the centre, on each side of it the States General in two ranks, afoot, and at their head the Marquis de la Fayette, as commander-in-chief, on horseback, and Bourgeoise guards before and behind. About sixty thousand citizens, of all forms and colors, armed with the muskets of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning hooks, scythes, &c., lined all the streets through which the procession

passed, and, with the crowds of people in the streets, doors, and windows, saluted them everywhere with cries of "*vive la nation*;" but not a single "*vive le roi*" was heard. The King stopped at the Hotel de Ville. There M. Bailly presented and put into his hat the popular cockade, and addressed him. The King being unable and unprepared to answer, Bailly went to him, gathered from him some scraps of sentences, and made out an answer which he delivered to the audience as from the King. On their return the popular cries were "*vive le roi et la nation*." He was conducted by a *Garde Bourgeoise* to his palace at Versailles; and thus concluded such an *amende honorable* as no sovereign ever made, and no people ever received. Letters written with his own hand, to the Marquis de la Fayette, remove the scruples of his position. Tranquillity is now restored to the capital; the shops are again opened; the people resuming their labors; and if the want of bread does not disturb our peace, we may hope a continuance of it. The demolition of the Bastile is going on, and the *Milice Bourgeoise* organizing and training. The ancient police of the city is abolished by the authority of the people; the introduction of the King's troops will probably be proscribed, and a watch or city guards substituted, which shall depend on the city alone. But we cannot suppose this paroxysm confined to Paris alone. The whole country must pass successively through it; and happy if they get through it as soon and as well as Paris has done.

I went yesterday to Versailles, to satisfy myself what had passed there; for nothing can be believed but what one sees, or has from an eye witness. They believe there still that three thousand people have fallen victims to the tumult of Paris. Mr. Short and myself have been every day among them, in order to be sure of what was passing. We cannot find, with certainty, that anybody has been killed but the three beforementioned, and those who fell in the assault or defence of the Bastile. How many of the garrison were killed, nobody pretends to have ever heard. Of the assailants, accounts vary from five to six hundred. The most general belief is, that there fell about thirty. There have been many reports of instantaneous executions by the mob on such of their body as they caught in acts of theft or robbery. Some of these may, perhaps, be true. There was a severity of honesty observed of which no example has been known. Bags of money, offered on various occasions

through fear or guilt, have been uniformly refused by the mobs. The churches are now occupied in singing "*de profundis*" and "*requiems*" for the repose of the souls of the brave and valiant citizens who have sealed with their blood the liberty of their nation. Monsieur de Montmorin is this day replaced in the Department of Foreign Affairs, and Monsieur de St. Priest is named to the Home Department. The gazettes of France and Leyden accompany this. I send also a paper, (called the *Point de Jour*,) which will give you some idea of the proceedings of the National Assembly. It is but an indifferent thing; however, it is the best.

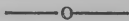
I have the honor to be, &c.,

TH: JEFFERSON.

July 21.

P. S. M. Necker had left Brussels for Frankfort before the courier got there. We expect, however, to hear of him in a day or two. Monsieur le Comte de la Luzerne has resumed the Department of the Marine this day. Either this is an office of friendship, effected by Monsieur de Montmorin, (for, though they had taken different sides, their friendship continued,) or he comes in as a stop-gap till somebody else can be found. Though very unequal to his office, all agree that he is an honest man. The Count d'Artois was at Valenciennes. The Prince of Condé and Duke de Bourbon had passed that place.

T. J.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 23, 1789.

Sir,

The bearer of my letter (a servant of Mr. Morris) not going off till to-day, I am enabled to add to their contents. The spirit of tumult seemed to have subsided, when yesterday it was excited again by a particular incident. Monsieur Foulon, one of the obnoxious Ministry, who, as well as his brethren, had absconded, was taken in the country, and, as is said, by his own tenants, and brought to Paris. Great efforts were exerted by popular characters to save him. He was at length forced out of the hands of the *Garde Bourgeoise*, hung immediately, his head cut off, and his body drawn through the principal streets of the city. The Intendant of Paris, Monsieur de Chauvigny, accused of having entered into the designs

of the same Ministry, has been taken at Compeigne, and a body of two hundred men, on horseback, have gone for him. If he be brought here, it will be difficult to save him. Indeed, it is hard to say at what distance of time the presence of one of these Ministers, or of any of the most obnoxious of the fugitive courtiers, will not rekindle the same blood-thirsty spirit. I hope it is extinguished as to every body else; and yesterday's example will teach them to keep out of its way. I add two other sheets of the *Point de Jour*, and have the honor to be, &c.,

TH: JEFFERSON.

P. S. I just now learn that Bertier de Chauvigny was brought to town last night, and massacred immediately.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, July 29, 1789.

Sir,

I have written you lately, on the 24th of June, with a postscript of the 25th; on the 29th of the same month; the 19th of July, with a postscript of the 21st; and again on the 23d. Yesterday I received yours of the 9th of March, by the way of Holland.

M. Necker has accepted his appointment, and will arrive to-day from Switzerland, where he had taken refuge. No other Ministers have been named since my last. It is thought M. Necker will choose his own associates. The tranquillity of Paris has not been disturbed since the death of Foulon and Bertier, mentioned in my last. Their militia is in a course of organization. It is impossible to know the exact state of the supplies of bread. We suppose them low and precarious, because some days we are allowed to buy but half or three-fourths of the daily allowance of our families. Yet, as the wheat harvest must begin within ten days or a fortnight, we are in hopes there will be subsistence found till that time. This is the only source from which I should fear a renewal of the late disorders; for I take for granted the fugitives from the wrath of their country are all safe in foreign countries. Among these are numbered seven

Princes of the house of Bourbon, and six Ministers; the seventh (the Marshal de Broglie) being shut up in the fortified town of Metz strongly garrisoned with foreign soldiers. I observed to you in a preceding letter that the storm which had begun in Paris on the change of the Ministry would have to pass over the whole country and consequently would, for a short time, occasion us terrible details from the different parts of it. Among these you will find a horrible one retailed from Vesoul, in Franche Compté. The atrociousness of the fact would dispose us rather to doubt the truth of the evidence on which it rests, however regular that appears. There is no question that a number of people were blown up; but there are reasons for suspecting that it was by accident, and not design. It is said the owner of the *chateau* sold powder by the pound, which was kept in the cellar of the house blown up; and it is possible some one of the guests may have taken this occasion to supply himself, and been too careless in approaching the mass. Many idle stories have also been propagated and believed here against the English, as that they have instigated the late tumults with money, that they had taken, or were preparing to take, Cherbourg, Brest, &c.; and even reasonable men have believed, or pretended to believe, all these. The British Ambassador has thought it necessary to disavow them in a public letter, which you will find in one of the papers accompanying this.

I have lately had an opportunity of knowing with certainty the present state of the King of England. His recovery was slow; he passed through a stage of profound melancholy; but this has at length dissipated, and he is at present perfectly reëstablished. He talks now as much as ever, on the same trifling subjects, and has recovered even his habitual inquisitiveness into the small news of the families about. His health is also good, though he is not as fleshy as he used to be.

I have multiplied my letters to you lately because the scene has been truly interesting; so much so that had I received my permission to pay my projected visit to my own country, I should have thought, and still think, it my duty to defer it awhile. I presume it cannot now be long before I receive your definitive answer to my request. I send herewith the public papers, as usual, and have the honor to be, &c.,

TH: JEFFERSON.

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 5, 1789.

Sir,

I wrote you on the 19th of the last month, with a postscript of the 21st, and on the 23d and 29th. These letters went by private conveyance. This goes by the London post. Since my last, some small and momentary tumults have taken place in this city, in one of which a few of the rioters were killed by the city militia.

No more popular executions have taken place. The capture of the Baron de Besenval, commander of the Swiss troops, as he was flying to Switzerland, and of the Duke de la Vauguyon, endeavoring to escape by sea, would endanger new interpositions of the popular arm were they to be brought to Paris. They are, therefore, confined where they were taken. The former of these being unpopular with the troops under his command, on account of oppressions, occasioned a deputation from their body to demand justice to be done him, and to avow the devotion of the Swiss troops to the cause of the nation. They had before taken side in part only. M. Necker's return contributed much to reëstablish tranquillity, though not quite as much as was expected. His just intercessions for the Baron de Besenval, and other fugitives, damped very sensibly the popular ardor towards him. Their hatred is stronger than their love.

Yesterday the other Ministers were named. The Archbishop of Bordeaux is *Garde des Sceaux*; M. de la Tour Depin, Minister of War; the Prince of Beauvon is taken into the Council, and the *feuille des bénéfices* given to the Archbishop of Bordeaux. These are all of the popular party; so that the minority (M. de la Luzerne excepted) and the Council, being all in reformation principles, no further opposition may be expected from that quarter.

The National Assembly now seriously set their hands to the work of the Constitution. They decided, a day or two ago, the question whether they should begin by a declaration of rights, by a great majority in the affirmative. The negatives were of the Clergy, who fear to trust the people with the whole truth. The declaration itself is now on the carpet. By way of corollary to it they last night mowed down a whole legion of abuses, as you will see by the heads of the *arrêté* which I have the honor to enclose you. This will stop the burning of *chateaux*, and tranquillize the country more than all the addresses they could send them.

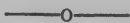
I expressed to you my fears of the impracticability of debate and decision in a room of one thousand and two hundred persons, as soon as M. Necker's determination to call that number was known. The inconveniences of their number have been distressing to the last degree, though, as yet, they have been employed in work which could be done in the lump. They are now proceeding to instruments, every word of which must be weighed with precision. Heretofore, too, they were hooped together by a common enemy. This is no longer the case. Yet a thorough view of the wisdom and rectitude of this Assembly disposes me more to hope they will find some means of surmounting the difficulty of their numbers than to fear that, yielding to the unmanageableness of debate in such a crowd, and to the fatigue of the experiment, they may be driven to adopt, in the gross, some one of the many projects which will be proposed.

There is a germ of schism in the pretensions of Paris to form its municipal establishment, independently of the authority of the nation. It has not yet proceeded so far as to threaten danger.

The occasion does not permit me to send the public papers; but nothing remarkable has taken place in the other parts of Europe.

I have the honor to be, &c.,

TH: JEFFERSON.



FROM THOMAS JEFFERSON TO WILLIAM CARMICHAEL.

Paris, August 9, 1789.

Dear Sir,

Since your last, of March the 27th, I have only written that of May the 8th. The causes of this long silence on both parts has been the expectation I communicated to you of embarking for America. In fact, I have expected permission for this every hour since the month of March; and, therefore, always thought that by putting off writing to you a few days, my letter, while it should communicate the occurrences of the day, might be a letter of adieu. Should my permission now arrive, I should put off my departure till after the equinox. They write me that my not receiving it had proceeded from the ceasing of the old Government in October last, and the organization of the higher departments in the new, which

had not yet taken place when my last letters came away. Bills had been brought in for establishing departments of Foreign Affairs, Finance, and War. The last would certainly be given to General Knox. Mr. Jay would probably have his choice of the first and second; and it was supposed Hamilton would have that which Mr. Jay declined. Some thought Mr. Jay would prefer and obtain the head of the law department, for which Wilson would be a competitor. In such a case, some have supposed C. Thomson would ask the Foreign Affairs. The Senate and Representatives differed about the title of the President. The former wanted to style him "His Highness, George Washington, President of the United States, and Protector of their Liberties." The latter insisted, and prevailed, to give no title but that of office, to wit: "George Washington, President of the United States." I hope the terms of Excellency, Honor, Worship, Esquire, will forever disappear from among us from that moment. I wish that of Mr. would follow them. In the impost bill the Representatives had, by almost an unanimous concurrence, made a difference between nations in treaty with us, and those not in treaty. The Senate had struck out this difference, and lowered all the duties. Query: Whether the Representatives would yield?

Congress were to proceed, about the last of June, to propose amendments to the new Constitution. The principal would be the annexing a declaration of rights, to satisfy the minds of all on the subject of their liberties. They waited the arrival of Brown, delegate from Kentucky, to take up the receiving that district as a fourteenth State. The only objections apprehended were from the partisans of Vermont, who might insist on both coming together. This would produce a delay, though probably not a long one.

To detail to you the events of this country would require a volume. It would be useless, too, because those given in the Leyden Gazette, though not universally true, have so few and such unimportant errors mixed with them, that you may give a general faith to them. I will rather give you, therefore, what that paper cannot give, the views of the prevailing power, as far as they can be collected from conversation and writings. They will distribute the powers of Government into three parts, legislative, judiciary, and executive. The legislative will certainly have no hereditary branch, probably not even a select one, (like our Senate.) If they divide it

into two chambers at all, it will be by breaking the representative body into two equal halves, by lot. But very many are for a single house, and particularly the Turgotists. The imperfection of their legislative body, I think, will be that not a member of it will be chosen by the people directly. Their representation will be an equal one, in which every man will elect and be elected as a citizen, not as a distinct order. Query, whether they will elect placemen and pensioners? Their legislature will meet periodically, and set at their own will, with a power in the executive to call them extraordinarily, in case of emergencies. There is a considerable division of sentiment whether the executive shall have a negative on the laws. I think they will determine to give such a negative, either absolute or qualified. In the judiciary the parliaments will be suppressed, less numerous judiciary bodies instituted, and trial by jury established in criminal, if not in civil cases. The executive power will be left entire in the hands of the King. They will establish the responsibility of Ministers, gifts, and appropriations of money by the National Assembly alone; consequently, a civil list, freedom of the press, freedom of religion, freedom of commerce and industry, freedom of person against arbitrary arrests, and modifications, if not a total prohibition of military agency in civil cases. I do not see how they can prohibit altogether the aid of the military in cases of riot, and yet I doubt whether they can descend from the sublimity of ancient military pride, to let a Mareschal of France, with his troops, be commanded by a magistrate. They cannot conceive that General Washington, at the head of his army, during the late war, could have been commanded by a common constable to go as his *posse comitatus*, to suppress a mob, and that Count Rochambeau, when he was arrested at the head of his army by a sheriff, must have gone to jail if he had not given bail to appear in court. Though they have gone astonishing lengths, they are not yet thus far. It is probable, therefore, that not knowing how to use the military as a civil weapon, they will do too much or too little with it.

I have said that things will be so and so. Understand by this that these are only my conjectures, the plan of the Constitution not being prepared yet, much less agreed to. Tranquillity is pretty well established in the capital, though the appearance of any of the refugees here would endanger it. The Baron de Besenval is kept away; so is M. de la Vauguyon. The latter was so short a time a

member of the obnoxious administration, that probably he might not be touched were he here. Seven princes of the house of Bourbon, and seven Ministers, fled into foreign countries, is a wonderful event indeed.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 12, 1789.

Sir,

I wrote you on the 19th, 23d, 29th of the last, and 5th of the present month. The last occasions not having admitted the forwarding to you the public papers, I avail myself of the present, by a gentleman going to London, to furnish you with them to the present date. It is the only use I can prudently make of the conveyance. I shall, therefore, only observe, that the National Assembly has been entirely occupied, since my last, in developing the particulars which were the subjects of their resolutions of the 4th instant, of which I send you the general heads.

The city is, as yet, not entirely quieted. Every now and then summary execution is done on individuals by individuals, and nobody is in condition to ask for what, and by whom. We look forward to the completion of the establishment of the city militia, and that which is to restore protection to the inhabitants. The details from the country are as distressing as I had apprehended they would be. Most of them are doubtless false, but many may still be true. Abundance of *chateaux* are certainly burnt and burning, and not a few lives sacrificed. The worst is probably over in this city; but I do not know whether it is so in the country. Nothing important has taken place in the rest of Europe.

I have the honor to be, &c.,

TH: JEFFERSON.

—O—

FROM JOHN JAY TO THOMAS JEFFERSON.

New York, June 19, 1789.

I have at length, my dear sir, the pleasure to inform you (though not officially) that you have leave to return, and that Mr. Short is appointed to take charge of the public affairs during your absence.

From the time that your letter of the 19th November last was received, viz: 10th February, to the time that our former Government gave place to the present one, there was not a single day on which so many States were represented in the late Congress as were necessary to make a House.

Directly after the President came into office, I communicated to him your request. It was the general opinion that the appointments under the late Government expired at that period, and, therefore, that the heads of the different departments were not in capacity to proceed without a new conveyance of authority. It was expected that the different offices would, without delay, be established, and the business of them put in train. These circumstances retarded a decision on your request.

Although the departments still remain in the same state, yet the President, on the 16th instant, informed the Senate that he had complied with your request, and that he nominated Mr. Short on the 17th. I attended the Senate on the subject, and yesterday they came to a resolution in the following words, viz:

“In Senate, Thursday, 18th June, 1789.

“Resolved, That the President of the United States be informed ‘that the Senate advise and consent to his appointment of William ‘Short, Esquire, to take charge of our affairs at the Court of France ‘during the absence of the Minister Plenipotentiary at ‘that ‘Court.’”

For some days past the President has been indisposed with a headache, attended with fever. This morning I went to his house to communicate the resolution to him, and receive his orders on the subject. He is better, but his physicians thought it best that for the present no applications should be made to him on public affairs of any kind. Consequently, the business in question must be postponed.

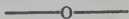
Until the Office for Foreign Affairs is established, the papers and despatches proper on the occasion cannot be completed and transmitted. When I consider how long you have waited for the result of your application, and the sensations which repeated disappointments must have occasioned, I cannot forbear thus informally to acquaint you with the preceding facts, and to mention to you as my opinion that you may venture to return; and that the earliest

opportunity will be taken of transmitting to Mr. Short the necessary papers.

I mean to send you copies of this letter by various routes, and sincerely wish that it may arrive seasonably, and that I may have the pleasure of congratulating you on your arrival here early in the autumn.

With the best wishes, and my sincere esteem and regard, I am, &c.,

JOHN JAY.



FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, August 27, 1789.

Sir,

I am honored with your favor of June 19th, informing me that permission is given me to make a short visit to my native country, for which indulgence I beg leave to return my thanks to the President and to yourself, sir, for the expedition with which you were so good as to forward it after it was obtained. Being advised that October is the best month of autumn for a passage to America, I shall wish to sail about the first of that month, and as I have a family with me, and their baggage is considerable, I must endeavor to find a vessel bound directly for Virginia if possible.

My last letters to you have been of the 5th and 12th instant. Since these, I received information from our bankers in Holland that they had money in hand sufficient to answer the demands for the foreign officers and for the captives; and that, moreover, the residue of the bonds of the last loan were engaged. I hereupon wrote to M. Grand for an exact estimate of the sum necessary for the officers. He had stated it to me as being forty-five thousand six hundred and fifty-two livres, eleven sous, six deniers a year, when I was going to Holland to propose the loan to Mr. Adams, and at that sum you will see it was stated in the estimate we sent you from Amsterdam. He now informs me it was sixty thousand three hundred and ninety-three livres, seventeen sous, ten deniers a year. I called on him for an explanation. He shewed me that his first information agreed with the only list of the officers and sums then in his possession, and his last with a new list lately sent from the Treasury Board, in which

other officers were set down who had been omitted in the first. I wrote to our bankers an account of this error, and desired to know whether, after receiving the money necessary for the captives, they were in condition to furnish two hundred and fifty-four thousand livres for the officers. They answered me by sending the money, and the additional sum of twenty-six thousand livres to complete the business of the medals. I delivered the bills to Messrs. Grand and company to negotiate and pay away; and the arrears to the officers to the first day of the present year are now in a course of payment. While on this subject, I will ask that an order may be forwarded to the bankers in Holland to furnish, and to M. Grand to pay, the arrearages which may be due on the first of January next. The money being in hand, it would be a pity that we should fail in payment a single day merely for want of an order. The bankers further give it as their opinion that our credit is so much advanced on the exchange of Amsterdam, that we may probably execute any money arrangements we may have occasion for on this side the water. I have the honor to send you a copy of their letter. They have communicated to me apprehensions that another house was endeavoring to obtain the business of our Government. Knowing of no such endeavors myself, I have assured them that I am a stranger to any applications on the subject. At the same time, I cannot but suspect that this jealousy has been one of the spurs at least to the prompt completion of our loan. The spirited proceedings of the new Congress in the business of revenue has doubtless been the principal one.

An engagement has taken place between the Russian and Swedish fleets in the Baltic, which has been not at all decisive, no ship having been lost on either side. The Swedes claim a victory, because they remained in the field till the Russians quitted it. The latter effected a junction soon after with another part of their fleet, and being now about ten ships strongest, the Swedes retired into port, and it is imagined they will not appear again under so great disparity; so that the campaign by sea is supposed to be finished. Their commerce will be at the mercy of their enemies; but they have put it out of the power of the Russians to send any fleet to the Mediterranean this year.

A revolution has been effected very suddenly in the bishoprick of Liege. Their constitution had been changed by force by the reigning

sovereign, about one hundred years ago. The subject has been lately revived and discussed in print. The people were at length excited to assemble tumultuously. They sent for their Prince, who was at his country seat, and required him to come to the town-house to hear their grievances. Though in the night, he came instantly, and was obliged to sign a restitution of their ancient constitution, which took place on the spot, and all became quiet without a drop of blood spilt. This fact is worthy notice, only as it shows the progress of the spirit of revolution.

No act of violence has taken place in Paris since my last, except on account of the difference between the French and the Swiss guards, which gave rise to occasional single combats, in which five or six were killed. The difference is made up. Some misunderstandings had arisen between the committees of the different districts of Paris as to the form of the future municipal government. These gave uneasiness for a while, but have been also reconciled. Still there is such a leaven of fermentation remaining in the body of the people, that acts of violence are always possibly, and are quite unpunishable, there being, as yet, no judicature which can venture to act in any case, however small or great. The country is becoming more calm. The embarrassments of the Government, for want of money, are extreme. The loan of thirty millions proposed by M. Necker has not succeeded at all. No taxes are paid. A total stoppage of all payments to the creditors of the State is possible every moment. These form a great mass in the city as well as country, and among the lower class of people, too, who have been used to carry their little savings of their service into the public funds, upon life rents of five, ten, twenty guineas a year, and many of whom have no other dependence for daily subsistence. A prodigious number of servants are now also thrown out of employ by domestic reforms, rendered necessary by the late events. Add to this the want of bread, which is extreme. For several days past a considerable proportion of the people have been without bread altogether; for though the new harvest is begun, there is neither water nor wind to grind the grain. For some days past the people have besieged the doors of the bakers, scrambled with one another for bread, collected in squads all over the city, and need only some slight incident to lead them to excesses which may end in nobody can tell

what. The danger from want of bread, however, which is the most imminent, will certainly lessen in a few days. What turn that may take which arises from the want of money is difficult to be foreseen. M. Necker is totally without influence in the National Assembly, and as I believe, not satisfied with this want of importance. The Assembly has just furnished their bill of rights. The question will then be, whether to take up the first constitution or the business of finance.

No plan of a constitution has been yet given in. But I can state to you the outlines of what the leading members have in contemplation. The executive power in a hereditary King, with power of dissolving the Legislature, and a negative in their laws; his authority in forming treaties to be greatly restrained. The legislative to be a single House of Representatives, chosen for two or three years. They propose a body, whom they call a Senate, to be chosen by the Provincial Assemblies, as our Federal Senate is, but with no power of negating or amending laws; they may only remonstrate on them to the representatives, who will decide by a simple majority the ultimate event of the law. This body will, therefore, be a mere council of revision. It is proposed that they shall be of a certain age and property, and be for life. They may make them also their court of impeachment. They will suppress the Parliaments, and establish a system of judicature somewhat like that of England, with trial by jury in criminal cases, perhaps also in civil. Each province will have a subordinate provincial government, and the great cities, a municipal one, on a free basis. These are the ideas and views of the most distinguished members. But they may suffer great modifications from the Assembly, and the longer the delay, the greater will be the modifications. Considerable interval having taken place since any popular execution, the aristocratic party is raising its head. They are strengthened by a considerable defection from the patriots, in consequence of the general suppression of the abuses of the 4th of August, in which many were interested. Another faction, too, of the most desperate views has acquired strength in the Assembly, as well as out of it. These wish to dethrone the reigning branch, and transfer the crown to the Duke d'Orleans. The members of this faction are mostly persons of wicked and desperate fortunes, who have nothing at heart but to pillage from the wreck of their country.

The Duke himself is as unprincipled as his followers; sunk into debaucheries of the lowest kind, and incapable of quitting them for business; not a fool, yet not head enough to conduct any thing. In fact, I suppose him used merely as a tool, because of his immense wealth, and that he acquired a certain degree of popularity by his first opposition to the Government, then credited to him as upon virtuous motives. He is certainly borrowing money on a large scale. He is in understanding with the Court of London, where he had been long on habits of intimacy. The Ministry here are apprehensive that that Ministry will support his designs by war. I have no idea of this, but no doubt, at the same time, that they will furnish him money liberally to aliment a civil war, and prevent the regeneration of this country.

It was suggested to me some days ago that the Court of Versailles were treating with that of London, for a surrender of their West India possessions, in consideration of a great sum of money to relieve their present distress. Every principle of common sense was in opposition to this fact, yet it was so affirmed as to merit inquiry. I became satisfied that the Government had never such an idea, but that the story was not without foundation altogether; that something like this was in contemplation between the faction of Orleans and the Court of London, as a means of obtaining money from that Court. In a conversation with the Count de Montmorin, two days ago, he told me their colonies were speaking a language which gave them uneasiness, and for which there was no foundation. I asked him if he knew anything of what I had just mentioned. He appeared unapprized of it, but to see at once that it would be a probable speculation between the two parties circumstanced and unprincipled as those two are. I apologized to him for the inquiries I had made in this business, by observing that it would be much against our interest, that any one Power should monopolize all the West India Islands. "*Pardi assurément,*" was his answer.

The emancipation of their islands is an idea prevailing in the minds of several members of the National Assembly, particularly those most enlightened and most liberal in their views. Such a step by this country would lead to other emancipations or revolutions in the same quarter.

I enclose you some papers, received from Mr. Carmichael, relative to the capture of one of our vessels by a Morocco cruiser, and

restitution by the Emperor. I shall immediately write to M. Chiapp to express a proper sense of the Emperor's friendly dispositions to us. I forward, also, the public papers to the present date, and have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Paris, September 19, 1789.

Sir,

I had the honor of addressing you on the 30th of the last month. Since that, I have taken the liberty of consigning to you a box of officers' muskets, containing half a dozen, made by the person and on the plan which I mentioned to you in a letter which I cannot turn to at this moment; but I think it was of the year 1785. For more particular account of them you will find in the enclosed copy of a letter which I have written to General Knox. The box, marked T. J., No. 36—is gone to Havre, and will be forwarded to you by the first vessel bound to New York, by Mr. Nathaniel Cutting, an American gentleman, establishing himself there.

Recalling to your mind the account I gave you of the number and size of ships fitted out by the English last year for the northern whale fishery, and comparing with it what they have fitted out this year for the same fishery, the comparison will stand thus:

Year.	Vessels.	Tons.	Men.
1788.....	255	75,436	10,710
1789.....	178	51,473	7,476
Difference.....	77	23,963	3,234

By which you will perceive that they have lost a third of the fishery in one year, which I think almost entirely—if not quite—ascrivable to the shutting the French ports against their oil. I have no account of their southern fishery of the present year.

As soon as I was informed that our bankers had the money ready for the redemption of our captives, I went to the General of the Order of the Holy Trinity, who retained all his dispositions to aid us in that business. Having a very confidential agent at Marseille

etter acquainted than himself with the details, he wrote to him for his opinion and information on the subject. I enclose you a copy of his answer, the original of which was communicated to me. I thereupon have authorized the General to go as far as three thousand livres a head for our captives; and for this purpose to adopt the plan proposed of sending one of his own religion at our expense, (which will be small,) or any other plan he thinks best. The honesty and goodness of his character places us in safety in his hands. To leave him without any hesitation in engaging himself for such a sum of money, it was necessary to deposit it in a banker's hands there. M. Grand's were agreeable to him, and I have therefore desired our banker at Amsterdam to remit it here. I do not apprehend in the progress of the present revolution anything like a general bankruptcy, which should pervade the whole class of bankers. Were such an event to appear imminent, the excessive caution of the house of Grand & Company establishes it in the general opinion as the last that would give way, and consequently would give time to withdraw this money from their hands. Mr. Short will attend to this, and will withdraw the money on the first well-founded appearance of danger. He has asked me what he shall do with it? Because it is evident, that when Grant cannot be trusted, no other individual at Paris can, and a general bankruptcy can only be the effect of such disorders as would render every private house an insecure deposit. I have not hesitated to say to him, in such an event, "Pay it to the Government." In this case, it becomes only a change of destination, and no loss at all. But this has passed between us for greater caution only, and on the worst case supposable; for though a suspension of payment by Government might affect the bankers a little, I doubt if any of them have embarked so much in the hands of Government as to endanger failure, and especially as they have had such long warning.

You will have known that the ordinance passed by M. de Chillon, in St. Domingo, for opening ports to our importations in another part of the island, was protested against by Marbois. He had always led the Count de la Luzerne by the nose while Governor of that island. Marbois's representations, and Luzerne's prepossessions against our trade with their colonies, occasioned him, as Minister of that department, not only to reverse the ordinance, but to recall Chillon, and send out a successor. Chillon has arrived here, and

having rendered himself very popular in the islands, their deputies in the National Assembly have brought the question before them. The Assembly has done nothing more as yet than to appoint a committee of inquiry. So much of Chillon's ordinance as admitted the importation of our provisions is continued for a time. M. de Marbois too, is recalled; I know not why or how. M. de la Luzerne's conduct will probably come under view only incidentally to the general question urged by the colony deputies, whether they shall not be free in future to procure provisions where they can procure them cheapest. But the deputies are disposed to treat M. de la Luzerne roughly. This, with the disgrace of his brother, the Bishop of Langres, turned out of the Presidentship of the National Assembly for partiality in office to the aristocratic principles, and the disfavor of the Assembly towards M. de la Luzerne himself, as having been formerly of the *plot* (as they call it) with Breteuil and Broglie, will probably occasion him to be out of office soon.

The Treasury Board have no doubt attended to the necessity of giving timely orders for the payment of the February interest at Amsterdam. I am well informed that our credit is now the first at that exchange, (England not borrowing at present.) Our five per cent. bonds have risen to ninety-seven and ninety-nine. They have been heretofore at ninety-three. There are at this time several companies and individuals here, in England and Holland, negotiating to sell large parcels of our *liquidated debts*. A bargain was concluded by one of these the other day for six hundred thousand dollars. In the present state of our credit, every dollar of this debt will probably be transferred to Europe within a short time.

September 20th.—The combination of bankers and other ministerial tools had led me into the error (when I wrote my last letter) into which they had led most people, that the loan lately opened here went on well. The truth is that very little has been borrowed, perhaps not more than six or eight millions. The King and his Ministers were yesterday to carry their plate to the Mint. The ladies are giving up their jewels to the National Assembly. A contribution of plate in the time of Louis XV. is said to have carried about eight millions to the Treasury. Plate is much more common now, and, therefore, if the example prevail now in the same degree it did then, it will produce more. The contribution of jewels will hardly be general, and will be unproductive. M. Necker is, on the

5th, to go to the Assembly to make some proposition. The hundredth penny is talked of.

The Assembly proceeds slowly in the forming their Constitution. The original vice of their numbers causes this, as well as a tumultuous manner of doing business. They have voted that the elections of the Legislature shall be biennial; that it shall be a single body; but they have not yet decided what shall be its number, or whether they shall be all in one room, or in two, (which they call a division into sections.) They have determined that the King shall have a *suspensive and iterative veto*; that is, that after negating a law, it cannot be presented again until after a new election. If he negatives it then, it cannot be presented a third time till after another new election. If it be then presented, he is obliged to pass it. This is perhaps justly considered as a more useful negative than an absolute one, which a King would be afraid to use. M. Necker's influence with the Assembly is nothing at all. Having written to them, by order of the King, on the subject of the veto before it was decided, they refused to let his letter be read. Again, lately, when they desired the sanction of the King to their proceedings of the 4th of August, he wrote, in the King's name, a letter to them, remonstrating against an immediate sanction of the whole; but they persisted, and the sanction was given. His disgust at this want of influence, together with the great difficulties of his situation, make it believed that he is desirous of resigning.

The public stocks were extremely low the day before yesterday. The *caisse d'escompte* at three thousand six hundred and forty, and the loan of one hundred and twenty-five millions, of 1784, was at fifteen per cent. loss. Yesterday they rose a little.

The sloth of the Assembly (unavoidable from their number) has done the most sensible injury to the public cause. The patience of a people who have less of that quality than any other nation in the world, is worn thread-bare. Time has been given to the Aristocrats to recover from their panic, to cabal, to sow dissensions in the Assembly, and distrust out of it. It has been a misfortune that the King and Aristocracy together have not been able to make a sufficient resistance to hoop the Patriots in a compact body. Having no common enemy of such force as to render their union necessary, they have suffered themselves to divide. The Assembly now consists of four distinct parties.

1. The Aristocrats, comprehending the higher members of the clergy, military, nobility, and the Parliaments of the whole kingdom. This forms a head without a body.

2. The moderate Royalists, who wish for a Constitution nearly similar to that of England.

3. The Republicans, who are willing to let their first magistracy be hereditary, but to make it very subordinate to the Legislature, and to have that Legislature consist of a single chamber.

4. The faction of Orleans.

The second and third descriptions are composed of honest, well-meaning men, differing in opinion only, but both wishing the establishment of as great a degree of liberty as can be preserved. They are considered, together, as constituting the patriotic part of the Assembly, and they are supported by the soldiery of the army, the soldiery of the clergy, that is to say, the curés and monks, the dissenters, and part of the nobility, which is small, and the substantial *Bourgeois* of the whole nation. The part of these, collected in the cities, have formed themselves into municipal bodies, have chosen municipal representatives, and have organized an armed corps, considerably more numerous in the whole than the regular army. They have also the Ministry, such as it is, and as yet the King. Were the second and third parties, or rather these sections of the same party, to separate entirely, this great mass of power and wealth would be split, nobody knows how. But I do not think they will separate, because they have the same honest views; because each being confident of the rectitude of the other, there is no rancor between them; because they retain the desire of coalescing. In order to effect this, they not long ago proposed a conference, and desired it might be at my house, which gave me an opportunity of judging of their views. They discussed together their points of difference for six hours, and in the course of discussion agreed on mutual sacrifices. The effect of this agreement has been considerably defeated by the subsequent proceedings of the Assembly, but I do not know that it has been through any infidelity of the leaders to the compromise they had agreed on. Another powerful bond of union between these two parties, is our friend the Marquis de la Fayette. He left the Assembly while they as yet formed but one party. His attachment to both is equal, and he labors incessantly to keep them together. Should he be obliged to take part against

either, it will be against that which shall first pass the rubicon of conciliation with the other. I should hope, in this event, that his weight would be sufficient to turn the scale decidedly in favor of the other. His command of the armed militia of Paris, (thirty thousand in number, and comprehending the French guards, who are five thousand regulars,) and his influence with the municipality would secure their city. And though the armed militia and municipalities of the other cities are in no wise subordinate to those of Paris, yet they look up to them with respect, and look particularly to the Marquis de la Fayette as leading always to the rights of the people. This turn of things is so probable that I do not think either section of the Patriots will venture on any act which will place themselves in opposition to him.

This being the face of things, troubled as you will perceive, civil war is much talked of and expected; and this talk and expectation has a tendency to beget it. What are the events which may produce it? 1. The want of bread, were it to produce a commencement of disorder, might ally itself to more permanent causes of discontent, and thus continue the effect beyond its first cause. The scarcity of bread, which continues very great amidst a plenty of corn, is an enigma which can be solved only by observing, that the furnishing the city is in the new municipality, not yet masters of their trade. 2. A public bankruptcy. Great numbers of the lower, as well as the higher, classes of the citizens depend for subsistence on their property in the public funds. 3. The absconding of the King from Versailles. This has for some time been apprehended as possible. In consequence of this apprehension, a person whose information would have weight wrote to the Count de Montmorin, abjuring him to prevent it by every possible means, and assuring him that the flight of the King would be the signal of a St. Barthelemi against the aristocrats in Paris, and perhaps through the Kingdom. M. de Montmorin shewed the letter to the Queen, who assured him solemnly that no such thing was in contemplation. His shewing it to the Queen proves he entertained the same mistrust with the public. It may be asked, what is the Queen disposed to do in the present situation of things? Whatever rage, pride, and fear can dictate in a breast which never knew the presence of one moral restraint.

Upon the whole, I do not see it as yet probable that any actual commotion will take place; and if it does take place, I have strong

confidence that the patriotic party will hold together, and their party in the nation be what I have described it. In this case, there would be against them the aristocracy and the faction of Orleans. This consists, at this time, of only the Catalines of the Assembly, and some of the lowest descriptions of the mob. Its force, *within the Kingdom*, must depend on how much of this last kind of people it can debauch with money from its present bias to the right cause. This bias is as strong as any one can be, in a class which must accept its bread from him who will give it. Its resources *out of the Kingdom* are not known. Without doubt, England will give money to produce and feed the fire, which should consume this country; but it is not probable she will engage in open war for that. If foreign troops should be furnished, it would be most probably by the King of Prussia, who seems to offer himself as the bull-dog of tyranny to all his neighbors. He might, too, be disturbed by the contagion of the same principles gaining his own subjects, as they have done those of the Austrian Netherlands, Leige, Cologne, and Hesse Cassel. The army of the latter Prince, joining with his subjects, are said to have possessed themselves of the treasures he had amassed, by hiring troops to conquer us, and by other iniquities. Fifty-four millions of livres is the sum mentioned. But all these means, external and internal, must prove inadequate to their ultimate object, if the nation be united, as it is at present. Expecting, within a few days, to leave Paris, and that this is my last letter on public subjects, I have indulged myself in giving you a general view of things as they appear to me at the time of my leaving them. Mr. Short will have the honor of continuing the narration, and of correcting it, where circumstances unknown or unforeseen may give a different turn to events.

I have the honor to be, &c.,

TH: JEFFERSON.

—o—

FROM THOMAS JEFFERSON TO JOHN JAY.

Havre, September 30, 1789.

Dear Sir,

No convenient ship having offered from any port of France, I have engaged one from London to take me up at Cowes, and am so far on my way thither. She will land me at Norfolk, and as I do not know any service that would be rendered by my repairing

immediately to New York, I propose, in order to economize time, to go directly to my own house, get through the business which calls me there, and then repair to New York, where I shall be ready to reëmbark for Europe. But should there be any occasion for Government to receive any information I can give, immediately on my arrival I will go to New York on receiving your orders at Richmond. They may probably be there before me, as this goes by Mr. Trumbull, bound directly for New York.

I enclose you herewith the proceedings of the National Assembly on Saturday last, wherein you will perceive that the committee had approved the plan of M. Necker. I can add, from other sure information received here, that the Assembly adopted it the same evening. This plan may possibly keep their payments alive till their new Government gets into motion, though I do not think it very certain. The public stocks lowered so exceedingly the last days of my stay at Paris, that I wrote to our bankers at Amsterdam to desire they would retain till further orders the thirty thousand gilders, or so much of it as had not yet come on. As to what might be already coming on, I recommended to Mr. Short to go and take the acceptance himself, and keep the bill in his own hands till the time of payment. He will by that time see what is best to be done with the money.

In taking leave of Monsieur de Montmorin, I asked him whether their West India ports would continue open to us awhile? He said they would be immediately declared open till February; and we may be sure they will be so till the next harvest. He agreed with me that there would be two or three months' provision for the whole kingdom wanting for the ensuing year. The consumption of bread for the whole kingdom is two millions of livres Tournois a day. The people pay the real price of their bread everywhere, except at Paris and Versailles. There the price is suffered to vary very little as to them, and Government pays the difference. It has been supposed that this difference for some time past has cost a million a week. I thought the occasion favorable to propose to Monsieur de Montmorin the free admission of our salted provisions, observing to him particularly, that our salted beef from the Eastern States could be dealt out to the people of Paris for five or six sous the pound, which is but half the common price they pay for fresh beef; that the Parisian, paying less for his meat, might pay more for his bread, and so relieve

Government from its enormous loss on that article. His ideas of this resource seemed unfavorable. We talked over the objections of the supposed unhealthiness of that food, its tendency to produce scurvy, the chance of its taking with a people habituated to fresh meat, their comparative qualities of rendering vegetables eatable, and the interests of the *gabelles*. He concluded with saying the experiment might be tried; and with desiring me to speak with Mr. Necker. I went to Mr. Necker, but he had gone to the National Assembly. On my return to Paris, therefore, I wrote to him on the subject, going over the objections which Monsieur de Montmorin had started. Mr. Short was to carry the letter himself and pursue the subject.

Having observed that our commerce to Havre is considerably on the increase, and that most of our vessels coming there, and especially those from the eastward, are obliged to make a voyage round the neighborhood of the Loire and Garonne for salt, a voyage attended with expense, delay, and more risk, I have obtained from the Farmers General that they shall be supplied from their magazines at Honfleur, opposite to Havre, at a mercantile price. They fix it at present at sixty livres the *muid*, which comes to about fifteen sous, or seven and a half pence sterling, our bushel; but it will vary as the price varies at the place from which they bring it. As this will be a great relief to such of our vessels coming to Havre as might wish to take back salt, it may, perhaps, be proper to notify it to our merchants.

I enclose you herewith Mr. Necker's discourse to the Assembly, which was not printed till I left Paris; and have the honor to be, &c.,

TH: JEFFERSON.

CORRESPONDENCE

OF

JOHN ADAMS,

ONE OF THE COMMISSIONERS FOR THE FORMATION OF
TREATIES OF AMITY AND COMMERCE, AND MIN-
ISTER PLENIPOTENTIARY TO FRANCE,

WITH

THE ANSWERS OF JOHN JAY,

SECRETARY FOR FOREIGN AFFAIRS.



CORRESPONDENCE.

FROM JOHN ADAMS, MINISTER PLENIPOTENTIARY, TO HIS EXCELLENCY
THE PRESIDENT OF CONGRESS.

London, November 9, 1783.

Sir,

About the 14th of September I was seized at Paris with a fever, which proved to be a dangerous one, and brought me very low, so that I was unable to attend to any business for some time. On the 20th of October, in pursuance of the advice of my friends, I set out from Auteuil, a village in the neighborhood of Passy, for London, which city I reached by slow journeys the 26th. I found my strength increase as I advanced, and my health is so much improved that I am persuaded the last sickness has been of service to me, having never enjoyed, since my great sickness at Amsterdam, so good health as at present. Mr. Jay had set off for London about ten days before me, and, since my arrival we have been much together, and have found every thing agreeable, notwithstanding the innumerable and incessant lies and nonsense of the newspapers.

As I came here in a private capacity altogether, I have not visited any one of the Ministers, nor any one of the foreign Ambassadors, and I am inclined to think, upon the whole, that I shall not, unless we should receive the commission to treat of commerce, which Congress resolved on the first of last May, while I stay here.

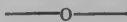
The Whig part of the present Administration are much embarrassed with the Tory part and their refugees ; so that the spirit of the present

Administration, I must in duty say, is not so friendly to the United States as it ought to be; for want of powers, however, we can reduce nothing to a certainty. We expect every day to receive our commission and instructions.

Mr. Hartley thinks himself empowered to finish the business with us by his former commission. The Ministry are of the same opinion and it is no doubt true, so that as soon as our commission and instructions arrive we shall enter upon the conferences. But whether we shall go to Paris, or Doctor Franklin will come here, at present I know not. The negotiation, I am persuaded, would succeed better here than at Paris.

I have the honor to be, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO THE PRESIDENT OF CONGRESS.

London, November 13, 1783.

Sir,

[If any one should ask me what is the system of the present Administration, I should answer, "to keep their places." Everything they say or do appears evidently calculated to that end, and no ideas of public good, no national object is sufficient to interfere with it.]

In order to drive out Shelburne, they condemned his peace, which all the Whig part of them would have been very glad to have made and have gloried in the advantages of it. In order to avail themselves of the old habits and prejudices of the nation, they now pretend to cherish the principles of the navigation act, and the King has been advised to recommend this in his speech, and the Lords have commended it in very strong terms.

The coalition appears to stand on very strong ground, the Lords and great Commoners, who compose it, count a great majority of members of the House of Commons, who are returned by themselves, every one of whom is a dead vote. They are endeavoring to engage the Bedford interest with them, in order to strengthen themselves still more, by persuading Thurlow to be again Chancellor, and Mr. Pitt, whose personal popularity and family weight with the nation is very desirable for them, is tempted with the place of

Chancellor of the Exchequer, which Lord John Cavendish, from mere aversion to business, wishes to resign.

While they are using such means to augment their strength, they are manifestly intimidated at the sight of those great national objects, which they know not how to manage. Ireland is still in a state of fermentation, throwing off the admiralty, post office, and every other relic of British parliamentary authority, and contending for a free importation of their woollen manufactures into Portugal, for the trade to the East Indies, to the United States of America, and all the rest of the world, in as ample manner as the English enjoy these blessings. The Irish volunteers are also contending for a parliamentary reform, and a more equal representation in their Houses of Commons, and are assembling, by their delegates, in a Congress at Dublin, to accomplish it. This rivalry of Ireland is terrible to the Ministry; they are supposed to be at work to sow jealousies and divisions between the Protestants and Catholics in Ireland.

[The East Indies exhibit another scene which will be formidable to the Ministers. Here centre the hopes of England, and it is certain that no system can be pursued which will give universal satisfaction.] Some require the Government to take that whole country into their own hands; others demand aids in cash, and troops to the company. Opposition will be first formed probably upon India affairs.

Public credit is the greatest object of all. The necessary annual expense, comprehending the interest of the whole national debt, funded and unfunded, and the peace establishment, will amount to near seventeen millions. The annual receipts of taxes have never yet amounted to thirteen millions. Here will be a deficiency then of near four millions a year, which will render an annual loan necessary, until the debt will be so increased, and the stock so sunk, that no man will lend his money. The judicious call upon Ministers for a remedy, and will embarrass with their reproaches; but the stock-jobbers are more numerous than the judicious, and more noisy. These live upon loans, and as long as Ministers borrow twelve millions a year, and employ the stock-jobbers to raise it, however certainly the measure tends to ruin, their clamors will be for Ministers. An enormous loan is the most popular thing a statesman can undertake, so certain is the bankruptcy of this country; opposition will declaim upon this topic, but will make no impression.

The United States of America are another object of debate. If an opposition shall be formed and concerted, I presume that one fundamental of it will be a liberal conduct towards us. They will be very profuse in professions of respect, and esteem, and affection for us; will pretend to wish for measures which may throw a veil over the past, and restore, as much as possible, the ancient good will. They will be advocates for some freedom of communication with the West Indies, and for our having an equitable share of that carrying trade, &c.

Administration, on the other hand, I am confident, will, with great difficulty, be persuaded to abandon the mean, contemptible policy which their proclamations exhibit.

In my humble opinion, the only suitable place for us to negotiate the treaty in is London. Here, with the most perfect politeness to the Ministry, we may keep them in awe. A visit to a distinguished member of the opposition, even if nothing should be said at it, would have more weight with Ministers than all our arguments. Mr. Jay is, I believe, of the same opinion. But we shall not conduct the negotiation here, unless Doctor Franklin should come over. Indeed, if Congress should join us in a commission to treat with other Powers, in my opinion, we might conduct the business better here than in Paris. I shall, however, cheerfully conform to the sentiments of my colleagues.

The delay of the commission is to me a great embarrassment. I know not whether to stay here, return to Paris or the Hague. I hope every moment to receive advices from Congress, which will resolve me.

I received yesterday a letter from Mr. Hartley, with the compliments of Mr. Fox, and that he should be glad to see me, proposing the hour of eleven to-day; which I agreed to. Mr. Jay saw him one day this week. Mr. Jay made him and the Duke of Portland a visit on his first arrival. They were not at home. But he never heard from them until my arrival, ten days or a fortnight after. Informed of this, I concluded not to visit them, and did not; but after a very long time, and, indeed, after Mr. Hartley's return from Bath, messages have been sent to Mr. Jay and me that Mr. Fox would be glad to see us. It is merely for form and to prevent a cry against him in Parliament for not having seen us, for not one word was said to Mr. Jay of public affairs, nor will a word be said to me.

The real friendship of America seems to me the only thing which can redeem this country from total destruction. There are a few who think so here, and but a few; and the present Ministers are not among them, or, at least, if they are of this opinion, they conceal it, and behave as if they thought America of small importance. The consequence will be that little jealousies, and rivalries, and resentments will be indulged, which will do essential injury to this country as they happen, and they will end in another war, in which will be torn from this island all her possessions in Canada, Nova Scotia, and the East and West Indies.

With great respect, &c.,

JOHN ADAMS.

Extracts from the Secret Journal of Foreign Affairs.

January 31, 1785.

On motion of Mr. R. R. Livingston, seconded by Mr. Pinckney,
Resolved, That a Minister Plenipotentiary be appointed to represent the United States of America at the Court of Great Britain; and that the Secretary for Foreign Affairs report instructions for such Minister.

February 18, 1785.

Resolved, That no future commission of a Minister, either generally or specially, to any foreign Court, Chargé d'Affaires, or Secretary to any foreign Legation, shall continue in force for more than three years, the time from which it is to commence to be fixed in the commission, at the expiration of which period, unless re-appointed, such Minister or Secretary shall cease to exercise such office: *Provided always*, That such Minister or Secretary shall be considered as at all times subject to the recall of Congress, within the term limited.

February 24, 1785.

Congress proceeded to the election of a Minister Plenipotentiary to represent the United States of America at the Court of Great Britain; and the ballots being taken,

The Honorable John Adams was elected, having been previously nominated by Mr. Howell.

Report of Instructions for the Minister Plenipotentiary of the United States at the Court of London.

Office for Foreign Affairs, February 5, 1785.

You will, in a respectful, but firm manner, insist that the United States be put, without further delay, into possession of all the posts and territories within their limits which are now held against them by British garrisons; and you will take the earliest opportunity of transmitting the answer you may receive to this requisition.

You will sound the disposition of the British Cabinet to join with the United States in proper pacific measures for inducing Spain to cease opposing the free navigation of the Mississippi, and to that end a display of the commercial advantages which would flow to them through that channel would probably prove a powerful inducement. You will remonstrate upon the infraction of the treaty of peace by the exportation of slaves and other American property, contrary to the stipulations on that subject in the article of it. Upon this head you will be supplied with various authentic papers and documents, particularly the correspondence between General Washington and others on the one part, and Sir Guy Carleton on the other.

You will represent to the British Ministry the strong and necessary tendency of their restrictions on our trade to incapacitate *our* merchants in a certain degree to make remittances to *theirs*. You will so manage your conferences with the Minister, on the subject of commerce, as to discover whether he is inclined to a commercial treaty with us, and on what terms, taking care not to enter into any engagements without the previous approbation of Congress. You will represent in strong terms the losses which many of *our*, and also of *their*, merchants will sustain, if the former be unseasonably and immediately pressed for the payment of debts contracted before the war; and (if compliance should appear probable) you will solicit the interposition and influence of Government to prevent it. On this subject you will be furnished with papers in which it is amply discussed.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Report of Secretary Jay—Case of Blair McClenachan.

Office for Foreign Affairs, February 10, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom, on the 7th instant, was referred a letter from Blair McClenachan, dated at London, the 13th October, 1784, reports thereupon as his opinion,

That the cause of the action at law commenced against Mr. McClenachan, in the Court of King's bench in England by J. Bragg, is (as stated in his letter) unquestionably ill-founded, not being warranted by the laws of war, nor consistent with the treaty of peace between that country and this. But as no judgment has as yet been rendered in that action against the defendant, and probably never will be, the commencement of it is at present to be considered as one of those inconveniences to which every man in every country is constantly and unavoidably exposed. It not being in the power of any government to prevent any man from bringing suits which, on trial, may appear absurd or vexatious, all that they can do is to give judgment against the plaintiff, and leave the defendant to the legal remedies prescribed for those who may be thus unreasonably and causelessly vexed.

The singular circumstances of Mr. McClenachan's case may, perhaps, receive some light from the following facts, viz: On the 17th March, 1783, the Legislature of the State of New York passed a law in these words:

“An act for granting more Effectual Relief in cases of certain Trespasses.

“Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any person or persons, who are or were inhabitants of this State, and who, by reason of the invasion of the enemy, left his, her, or their place or places of abode, and who have not voluntarily put themselves respectively into the power of the enemy, since they respectively left their places of abode, his, her, or their heirs, executors or administrators, to bring an action of trespass against any person or persons who may have occupied, injured, or destroyed his, her, or their estate, either real or personal, within the power of the enemy,

‘or against any person or persons who shall have purchased or received any such goods or effects, or against his, her, or their heirs, executors, or administrators, in any court of record within this State, having cognizance of the same, in which action, if the same shall be brought against the person or persons who have occupied, injured, or destroyed, or purchased, or received such real or personal estate as aforesaid, the defendant or defendants shall be held to bail; and if any such action shall be brought in any inferior court within this State, the same shall be finally determined in such court; and every such action shall be considered as a transitory action. That no defendant or defendants shall be admitted to plead in justification any military order or command whatever of the enemy for such occupancy, injury, destruction, purchase, or receipt, nor to give the same in evidence on the general issue.”

In pursuance of this law, divers suits have been commenced and determined in favor of the plaintiffs, and others are still depending in the courts of this State; and the Assembly have, by certain resolutions, expressed their disapprobation of a judgment of the Mayor’s Court of this city, in which a favorable construction was given to the law, which, in their opinion, was not warranted by the terms of it.

Your Secretary considers this law, and the operation of it since the peace, as contrary to the laws of nations and the faith of the treaty between Britain and the United States; and he apprehends that the commencement of an action against an American citizen in the King’s Bench of England, on the principles and in the spirit of this law, may have been prompted by the example set in this State.

All which is humbly submitted to the wisdom of Congress.

JOHN JAY.

Extract from the Secret Journal of Foreign Affairs, March 7th, 1785.

On the report of a committee, consisting of Mr. Read, Mr. Ellery, and Mr. Hardy, to whom were referred the letters of the 3d and 16th of November from Mr. Laurens,

Resolved, That in conformity to the repeated wishes heretofore expressed by the honorable Benjamin Franklin, Esq., Minister Plenipotentiary from the United States at the Court of Versailles, he be permitted to return to America as soon as convenient, and that

Wednesday next be assigned for the election of Minister Plenipotentiary to represent the United States at the Court of Versailles.

On motion of Mr. King, seconded by Mr. Pinckney,

Resolved, That it is expedient to appoint a Minister Plenipotentiary to succeed Mr. John Adams at the Court of the United Netherlands, and that Monday next be assigned for the election of such Minister.

Congress took into consideration a report of the Secretary for Foreign Affairs, and thereupon agreed upon the following:

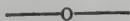
“Instructions for a Minister Plenipotentiary appointed to represent the United States of America at the Court of Great Britain.

“Sir: You will, in a respectful but firm manner, insist that the United States be put, without further delay, in possession of all the posts and territories within their limits which are now held by British garrisons; and you will take the earliest opportunity of transmitting the answer you may receive to this requisition.

“You will remonstrate against the infraction of the treaty of peace by the exportation of negroes, and other American property, contrary to the stipulations on that subject, in the seventh article of it. Upon this head you will be supplied with various authentic papers and documents, particularly the correspondence between General Washington and others, on the one part, and Sir Guy Carleton on the other.

“You will represent to the British Ministry the strong and necessary tendency of their restrictions on our trade to incapacitate our merchants, in a certain degree, to make remittances to theirs.

“You will represent, in strong terms, the losses which many of our, and also of their, merchants will sustain, if the former be unseasonably and immediately pressed for the payment of debts contracted before the war. On this subject you will be furnished with papers in which it is amply discussed.”



FROM JOHN JAY TO JOHN ADAMS.

New York, March 15, 1785.

Dear Sir,

The enclosed extracts from the Journal of Congress will inform you of your appointment to go as Minister to the Court of London, and of Mr. Smith being elected Secretary of Legation.

I congratulate you on this event. It argues the confidence reposed in you by the United States, and, I am persuaded, will redound to your advantage, as well as to your reputation.

The necessary papers are preparing, and Mr. Smith will carry them to you by the next packet.

With great respect, &c.,

JOHN JAY.



FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, March 18, 1785.

Dear Sir,

The packet not sailing till to-morrow, has put it in my power to get your commission, instructions, and letter of credence completed.

You will find them herewith enclosed. I also send you another parcel, of which Mr. Randall is also to take charge—the journals printed since those with which, I understand, you have already been furnished.

I have the honor to be, &c.,

JOHN JAY.



Extract from the Secret Journals of Congress, March 14th, 1785.

The Secretary for the Department of Foreign Affairs having reported the form of a commission to Mr. Adams, appointed to represent the United States at the Court of London, and to Mr. W. S. Smith, appointed Secretary to the said Legation, and the same being amended to read as follows:

The United States of America in Congress assembled, to our trusty and well-beloved John Adams, Esquire, send greeting:

We, reposing especial trust and confidence in your integrity, prudence, and ability, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint you, the said John Adams, our Minister Plenipotentiary to reside at the Court of his Britannic Majesty, and do give you full power and authority there to represent us, and to do and perform all such matters and things as to the said place or office doth appertain, or

is may by our instructions be given unto you in charge. This commission to continue in force for the space of three years from this day unless sooner revoked.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed.

Witness, his Excellency R. H. Lee, our President, at the city of New York, this — day of —, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and Independence the ninth.

The United States of America in Congress assembled, to our trusty and well-beloved William S. Smith, Esquire, send greeting:

We, reposing special trust and confidence in your integrity, prudence, and ability, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint you, the said William S. Smith, Secretary to our Legation to his Britannic Majesty.

This commission to continue in force for the space of three years from this day unless sooner revoked.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed.

Witness, his Excellency R. H. Lee, our President, at the city of New York, this — day of —, in the year of our Lord one thousand seven hundred and eighty-five, and of our sovereignty and Independence the ninth.

Ordered, That the said forms be referred to the Secretary for Foreign Affairs to take order.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, May 29, 1785.

Dear Sir,

I was obliged to a letter from the Duke of Dorset to the custom-house at Dover, as I suppose for the respect with which my baggage was allowed to pass without a visit, and arrived in Westminster on the 25th at evening. I wrote late at night to the Marquis of Caermarthen that I was arrived, and desired to be informed at what hour I should call upon his Lordship. The next morning I had an answer that his Lordship would be glad to see me at one at his

house, or at four at his office. I went accordingly at one with Colonel Smith, who very luckily arrived the evening before me. We were received without loss of time, and treated with great politeness. I showed his Lordship my original commission, and left him a copy. Colonel Smith also showed his commission, and left a copy.

His Lordship then desired me to call upon him at his office, on Wednesday next, and he would introduce me to his Majesty in his private closet, after the levee, where I should present my letter of credence; and that, on the next levee day, according to the usage, Colonel Smith would also be presented to his Majesty. I asked his Lordship's advice whether my letter to the King should be under seal, and what should be the superscription. He said he would make a minute of it for me. He has since written to me that it must be under seal, and mentioned the superscription of the States General, and added that it was customary for all Foreign Ministers to leave with the Secretary of State a copy of their credentials to the King or Queen.

I sent a copy accordingly by the Secretary of Legation, who was admitted to his Lordship, delivered the letter, and received a verbal approbation of the proposed superscription.

I have the honor to enclose copies of all the letters which have passed between the Secretary of State and me, numbered 1, 2, 3, 4, 5, and am sorry I have not time to write more fully by Mr. Curson. But the distractions of such occasions is excuse enough. The puzzle of finding lodgings, a house, servants, liveries, carriage, horses, making and receiving visits, getting my effects from Auteuil and the Hague, are such as no man can form an idea of who has not passed through it.

With great and sincere esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO LORD CAERMARTHEN.

Mr. ADAMS has the honor to acquaint the Right Honorable the Marquis of Caermarthen that he is just arrived in town with credentials from the United States of America, and desires to be informed at what hour he may have the honor of paying his respects to his Lordship.

Bath Hotel, May 26, 1785.

FROM LORD CAERMARTHEN TO MR. ADAMS.

LORD CAERMARTHEN presents his compliments to Mr. Adams, and shall be glad to see Mr. Adams this day, about one o'clock, in Grosvenor Square, or at his office in Cleaveland Row, about four, whichever is most convenient to Mr. Adams.

Grosvenor Square, May 27, 1785.

JOHN ADAMS TO LORD CAERMARTHEN.

MR. ADAMS presents his compliments to the Right Honorable the Marquis of Caermarthen, and will have the honor of waiting on his Lordship in Grosvenor Square, at one, according to his Lordship's proposal. Colonel Smith, the Secretary to the American Commission, will have the honor of waiting on his Lordship at the same time.

Bath Hotel, May 27, 1785.

FROM LORD CAERMARTHEN TO JOHN ADAMS.

St. James's, May 27, 1785.

Sir,

I forgot to mention to you to-day, when you did me the honor to call upon me in Grosvenor Square, that it is customary for every foreign Minister to send the Secretary of State a copy of the credential letters they are directed by their sovereigns to present to his Majesty or to the Queen. With regard to the superscription, I find the credentials of the Ministers from the States General of the United Provinces are only addressed "*au Roi de la Grande Bretagne.*"

I believe I did mention to you, sir, that the credential letters are always delivered sealed into his Majesty's hand.

I am, sir, &c.,

CAERMARTHEN.

FROM JOHN ADAMS TO LORD CAERMARTHEN.

London, May 28, 1785.

My Lord,

I have received the letter your Lordship did me the honor to write to me yesterday, and have here enclosed a copy of the letter of

credence, which I am directed by my sovereign to present to his Majesty. I am so unfortunate as not to have any for the Queen, but I know the sentiments of my country and of Congress so well as to be sure that this is not owing to any want of respect to his Majesty; probably it was merely the want of information that there had ever been a precedent of it.

I beg leave to propose to your Lordship that the superscription should be, "To his Majesty George the Third, King of Great Britain, France, and Ireland, Defender of the Faith," &c. If your Lordship should not disapprove of this, I should prefer it to the address of the United Provinces as being more respectful.

With great respect, I have the honor, &c.,

JOHN ADAMS.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, March 31, 1785.

Dear Sir,

I have the honor of transmitting to you, herewith enclosed, a certified copy of an act of Congress of the 21st instant, instructing you to communicate to Mr. St. Saphorin, the high sense the United States in Congress assembled entertain of the liberal decision made by his Danish Majesty, on the question proposed to his Minister by you, respecting the ordination of American candidates for holy orders in the Episcopal Church, commonly called the Church of England.

Congress has been pleased to order and to transmit copies of your letter and the other papers on this subject to the Executives of the different States; and I am persuaded they will receive with pleasure this mark of your attention, and of his Danish Majesty's friendly disposition.

I have the honor to be, &c.,

JOHN JAY.

Extract from the Secret Journal of Foreign Affairs, March 21, 1785.

On the report of a committee consisting of Mr. Holton, Mr. W. C. Houston, Mr. Read, Mr. Bedford, and Mr. Hardy, to whom

were referred sundry letters from the Ministers of the United States at foreign Courts,

Resolved, That the Minister Plenipotentiary from the United States to the States General of the United Netherlands be instructed to communicate to Monsieur de St. Saphorin, Envoy Extraordinary from his Danish Majesty to the States General, the high sense the United States, in Congress assembled, entertain of the liberal decision made by his Majesty on the question proposed to his Majesty's Minister at the Hague, by Mr. Adams, Minister from the United States, respecting the ordination of American candidates for holy orders in the Episcopal Church, commonly called the Church of England.

Ordered, That the Secretary for Foreign Affairs transmit to the Executive of the several States copies of Mr. Adams's letter of the 22d day of April, 1784, as well as of the papers therein enclosed, relative to Episcopal ordination.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, April 13, 1785.

Dear Sir,

I had the honor of writing to you on the 15th March last, mentioning your appointment to the Court of London; on the 18th of the same month, enclosing your commission, instructions, and letter of credence, and sending with it the journals of Congress necessary to complete your set; and on the 31st March I wrote you another letter, with an act of Congress directing you to communicate to Mr. St. Saphorin the high sense they entertain of the liberal decision made by his Danish Majesty on the question respecting the ordination of American candidates for holy orders in the Episcopal Church. Those letters were committed to the care of Paul Randall, Esq., who sailed in the last French packet.

I also wrote by Captain Lamb a letter, dated the 11th March, to yourself, Doctor Franklin, and Mr. Jefferson, enclosing a variety of papers respecting the treaties you are directed to negotiate and conclude with the Barbary States.

This will be delivered to you by Colonel Smith, your Secretary; and I herewith enclose copies of a number of papers respecting the

transportation from hence of negroes by the British army, contrary to the treaty of peace; and also copies of some papers on the subject of the debts due from American to British merchants. On these two subjects your instructions partly turn, and, that you may be the better enabled to fulfil them, these papers are now transmitted.

I have the honor to be, &c., JOHN JAY.

P. S. I herewith enclose a cypher.

PAPERS ON THE DEPORTATION OF NEGROES.

*Extract of a Letter from Sir Guy Carleton to General Washington,
of 12th May, 1783.*

I enclose a copy of an order which I have given out to prevent the carrying away any negroes or other property of the American inhabitants. I understand, from the gentlemen therein named, that they visited the fleet bound to Nova Scotia, and ordered on shore whatever came clearly under the above description; there appeared to be but little difference of opinion, except in the case of the negroes, who had been declared free previous to my arrival. As I had no right to deprive them of that liberty I found them possessed of, an accurate register was taken of every circumstance respecting them, so as to serve as a record of the name of the original proprietor of the negro, and as a rule by which to judge of his value. By this open method of conducting the business, I hoped to prevent all fraud, and whatever might admit of different constructions is left open for future explanation or compensation. Had these negroes been denied permission to embark, they would, in spite of every means to prevent it, have found various methods of quitting this place, so that the former owner would no longer have been able to trace them, and of course would have lost, in every way, all chance of compensation.

This business, carried on in this public manner, and the orders nominating persons to superintend embarkations, published in the Gazette, I had no reason to think either the embarkation, or any circumstance attending it, could have been matter of surprise to your Excellency on the 6th May. I then, however, learned with concern, that the embarkation which had already taken place, and

in which a large number of negroes had been conveyed away, appeared to your Excellency as a measure totally different from the letter and spirit of the treaty.

The negroes in question, I have already said, I found free when I arrived at New York. I had, therefore, no right, as I thought, to prevent their going to any part of the world they thought proper.

I must confess, that the mere supposition that the King's Minister would deliberately stipulate in a treaty an engagement to be guilty of a notorious breach of the public faith towards people of any complexion, seems to denote a less friendly disposition than I could wish, and, I think, less friendly than we might expect; after all, I only give my own opinion. Every negro's name is registered, the master he formerly belonged to, with such other circumstances as serve to denote his value, that it may be adjusted by compensation. If that was really the intention and meaning of the treaty, restoration, where inseparable from a breach of public faith, is, as the world, I think, must allow, utterly impracticable. I know of no better method of preventing abuse, and the carrying away negroes or other American property, than that I proposed to the Minister for Foreign Affairs, in my letter of the 14th of April—the naming commissioners to assist those appointed by me to inspect all embarkations; and I am pleased to find your Excellency has approved of this method, and appointed Egbert Benson, Esq., Lieutenant Colonel Smith, and Daniel Parker, Esq., one of the contractors for supplying your army with provisions, Commissioners on your part for the purpose.

I am, sir, &c.,

GUY CARLETON.

Extracts from General Orders.

Head-Quarters, New York, April 15, 1783.

It is the Commander-in-Chief's orders that the following extract from the 7th article of the provisional treaty between Great Britain and the United States of America be strictly attended to and complied with by all persons whatsoever under his command:

“That his Britannic Majesty shall, with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every

‘port, place, and harbor within the same, leaving in all fortification
 ‘the American artillery that may be therein ; and shall also order an
 ‘cause all the archives, records, deeds, and papers belonging to an
 ‘of the said States or their citizens, which, in the course of the wa
 ‘may have fallen into the hands of his officers, to be forthwi
 ‘restored and delivered to the proper States and persons to who
 ‘they belong.”

All masters of vessels are particularly cautioned on their part, n
 to commit any breach of the above article.

Copy of a Resolution of Congress of the 26th May, 1783.

By the United States of America in Congress assembled—Ma
 26th, 1783:

Whereas, by the articles agreed upon the 30th of November las
 by and between the Commissioners of the United States of Americ
 for making peace and the Commissioners on the part of his Britanni
 Majesty, it is stipulated that his Britannic Majesty shall, with a
 convenient speed, and without any destruction or carrying away an
 negroes or other property of the American inhabitants, withdraw a
 his armies, garisons, and fleets from the said United States, an
 from every port, place, and harbor within the same ; and whereas,
 considerable number of negroes belonging to these States, have bee
 carried off therefrom, contrary to the true intent and meaning of th
 said articles,

Resolved, That copies of letters between the Commander-in
 Chief and Sir Guy Carleton, and other papers on this subject, b
 transmitted to the Minister Plenipotentiary of these States for nego
 tiating peace in Europe, and that they be directed to remonstrat
 thereon to the Court of Great Britain, and take proper measures fo
 obtaining such reparation as the nature of the case will admit.

Ordered, That a copy of the foregoing resolve be transmitted to
 the Commander-in-Chief, and that he be directed to continue hi
 remonstrances to Sir Guy Carleton, respecting the permitting negroes
 belonging to the citizens of these States to leave New York, and to
 insist on the discontinuance of that measure.

CHAS. THOMSON, *Secretary.*

Letter from General Washington to Sir Guy Carleton.

Head-Quarters, June 2, 1783.

Sir,

I have the honor to enclose to your Excellency the copy of a resolution of Congress which has lately been transmitted to me from that honorable body. Your Excellency will be pleased to notice the purport of this act; and I am persuaded you will consider it with that attention which you shall judge the nature of its object requires.

I have the honor to be, &c.,

GO. WASHINGTON.

Extract of a Letter from Sir Guy Carleton to General Washington, in answer to his of the 2d June.

I cannot, sir, but be satisfied that Congress has transmitted the case concerning certain negroes for whose protection the public faith had been pledged (but which is considered by Congress as contrary to the true intent and meaning of the provisional articles of peace) to its Plenipotentiaries in Europe, as these gentlemen and the King's Ministers, between whom these articles were negotiated, may be considered as most competent and able to ascertain their true intent and meaning.

GUY CARLETON.

Extract of a Letter from the Commissioners to General Washington, in answer to his of the 2d June.

New York, June 14, 1783.

Sir,

We do ourselves the honor to acknowledge the receipt of your Excellency's letter of the 2d instant, covering the act of Congress of the 26th ultimo, and we also do ourselves the honor to transmit your Excellency a copy of a memorial which we presented to Sir Guy Carleton on Monday last, to which we have not as yet received any answer, except a verbal message by his Deputy Secretary, that he did not conceive an answer at this time necessary.

Your Excellency will recollect that in answering our claim for restitution in the case of Mr. Vanderburgh, Sir Guy Carleton intimated an impropriety in the claim, as the property was not suggested to be in danger of being sent away; this left room for an idea that possibly property about to be sent away would be restored, and we apprized your Excellency that we should take the first fair occasion which should present itself to remove all doubt on this point; and with this view we made the requisition in behalf of Mr. Lott; and we conceive it is now reduced to a certainty, that all application for the delivery of property will be fruitless, and we shall therefore desist from them.

That part of the memorial which is in the nature of a remonstrance is in consequence of the resolution of Congress, and your Excellency's letter which accompanied it.

Yesterday we assisted in superintending an embarkation, consisting of fourteen transports bound to Nova Scotia, having on board, as nearly as we could estimate, about three thousand souls, among whom were at least about one hundred and fifty negroes, who appeared to be property of the citizens of the United States, and as this embarkation was made since we presented our memorial, and, as it were, in the face of it, we submit it to your Excellency, whether it is necessary for us further to remonstrate to Sir Guy Carleton against his permitting slaves, the property of American subjects, to leave this place, and could wish to receive your Excellency's direction on that subject.

We have the honor to be, &c.,

EGBERT BENSON,
DANIEL PARKER.

*Extract of a Remonstrance from Egbert Benson, Wm. S. Smith,
and Daniel Parker to Sir Guy Carleton.*

The undersigned, Commissioners on behalf of the United States of America, did, with intent to comply with their instructions, directing them to "assist such persons as should be appointed by your Excellency in superintending and inspecting such embarkations as the 'evacuation of this place should require,' on Friday last assist the Commissioners appointed by your Excellency in superintending and

inspecting an embarkation made by direction of your Excellency, and consisting of fourteen transports in the pay and service of the Crown of Great Britain, bound for the province of Nova Scotia, and having on board, as near as the undersigned could estimate, at least two thousand white persons, who, a few individuals excepted, appeared to be persons in civil life, and inhabitants of the United States, and having also on board upwards of one hundred negroes, seventy-three of whom appeared to be the property of American subjects not residing within the British lines.

The undersigned, therefore, in order to guard against improper inferences from their silence on this occasion, and from their conduct in future, conceived it incumbent on them to represent to your Excellency, that notwithstanding any act on their part in superintending or inspecting the above-mentioned or any other embarkation, they do and shall consider the permission from your Excellency to any negroes belonging to the citizens of these States to leave this city as an infraction of the treaty of peace, agreeable to their representation of the 9th instant, and that they do not, neither can they, consider the said embarkation, or any other of a similar nature, as an embarkation which the evacuation of this place requires.

Remonstrance from Egbert Benson, William S. Smith, and Daniel Parker to Sir Guy Carleton.

New York, June 9, 1783.

The undersigned, Commissioners in behalf of the United States of America, do represent to your Excellency that, on Friday last, the Board, composed of the Commissioners appointed by your Excellency and of the undersigned, examined into the claim of Mr. Philip Lott to a negro, named Thomas Francis, now on board a vessel called the Fair American, in this harbor, and about to be carried off to the Island of Jamaica; that on such examination, it appeared to the Board that Mr. Lott purchased the aforementioned negro from Mr. Elihu Spencer, of New Jersey, and that the said negro came within the British lines the 2d day of November last, and was enlisted by Captain Thelwall in a corps distinguished by the name of the Jamaica Rangers. Captain Thelwall produced to the Board a certificate from the commandant of this city, that the said negro

came within the British lines under the sanction of the proclamation respecting negroes.

The undersigned, therefore, in conformity to that part of their commission, whereby they are required "to attend particularly to the due execution of that part of the seventh article of the provisional treaty where it is agreed his Britannic Majesty shall withdraw his armies, &c., without causing any destruction, or carrying away any negroes or other property of the American inhabitants," do request of your Excellency that the said Captain Thelwall may be prohibited from carrying away the said negro; and in conformity to that part of their commission whereby they are required "to obtain the delivery of all negroes and other property of the inhabitants of the United States in the possession of the British forces, or any subjects of, or adherents to, his Britannic Majesty," do further request of your Excellency that the said negro may be delivered to Mr. Lott.

The undersigned do themselves the honor herewith to transmit to your Excellency a copy of an act of the United States in Congress assembled, of the 26th of May last, which has been transmitted to them by his Excellency General Washington, with directions to pay strict attention to the injunctions of Congress contained in the said act, and, as the undersigned are, by their commission, enjoined to represent to the Commander-in-Chief of the British forces in this city, every infraction of the articles of peace, it therefore becomes their duty to remonstrate to your Excellency against your permitting any negroes, the property of the citizens of these States, to leave this city, and to insist on a discontinuance of that measure.

EGBERT BENSON,
WILLIAM S. SMITH,
DANIEL PARKER.

Letter from General Washington to the President of Congress.

Head-Quarters, June 28, 1783.

Sir,

I think it expedient to transmit to your Excellency a copy of the correspondence which has taken place between our Commissioners for superintending embarkations in New York and myself. From their several reports, memorials, and remonstrances, Congress will

be informed of the almost total inefficacy of the measures which have been adopted for carrying the 7th article of the provisional treaty into effect.

Finding that merely the superintendence of embarkations, (and that only when called upon by the British,) without the power of restraining the property of the inhabitants of the United States from being carried away, could be of little utility—having been also informed that the *departure* of all negroes, (who choose to go away,) indiscriminately and without examination, in private vessels, is, if not publicly allowed, at least connived at, and conceiving this is the only species of property that can at present require attention, I cannot think there will be much advantage in continuing our Commissioners any longer at New York, and I take the liberty, therefore, to suggest whether it would not be eligible to revoke the commission. Indeed I should have thought myself authorized to decide upon this point, had I not apprehended it might eventually involve consequences of considerable national concern. It was on this account I deemed it more expedient to lay the state of this business before Congress, and to ask their farther orders on the subject.

I have the honor to be, &c.,

GO. WASHINGTON.

PAPERS RESPECTING THE TRANSPORTATION OF NEGROES FROM NEW YORK BY THE BRITISH ARMY, CONTRARY TO THE TREATY OF PEACE.

Letter from Sir Guy Carleton to the Honorable Robert R. Livingston, Esquire.

New York, April 14, 1783.

Sir,

As I observe in the 7th article of the provisional treaty, it is agreed, after stipulating that all prisoners, on both sides, shall be set at liberty, that "his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the United States, and from every port, place, and harbor within the same," &c.; and as embarkations of persons and property are on the point of being made, I am to request that Congress would be pleased to empower

any person or persons on behalf of the United States to be present at New York, and to assist such persons as shall be appointed by me to inspect and superintend all embarkations which the evacuation of this place may require; and they will be pleased to represent to me every infraction of the letter or spirit of the treaty, that redress may be immediately ordered.

GUY CARLETON.

Letter from General Washington to the President of Congress.

Orange-Town, May 8, 1783.

Sir,

The copy of my letter of the 21st April to his Excellency Sir Guy Carleton, with a copy of his reply to me, which I had the honor to transmit to your Excellency, will have informed Congress that the 5th of this month was agreed upon between us for an interview at this place.

In consequence of this arrangement I arrived here on the 4th. The contingencies of a water passage in a frigate prevented Sir Guy Carleton's arrival until the evening of the 5th. On the 6th our interview took place at my quarters, about three miles from the river. Our conversation upon the different subjects to which my instructions pointed me was diffuse and desultory, and closed with a proposition on my part, and acceded to on the part of General Carleton, that the points of discussion should be reduced to writing.

I have the honor to enclose the copy of a letter which I wrote to Sir Guy Carleton the evening of our conference, and to which I expected to receive his answer, being to dine with him the next day on board the frigate.

Coming on board the ship, I found Sir Guy under a severe fit of fever and ague, (a previous fit of which he had experienced the day of his arrival.) In these circumstances, and wanting, as he said, to have recourse to some papers in New York previous to making an answer to my letter, and at the same time urged by the exigency of other business, he had determined to return immediately to New York; apologizing to me, and promising that I should hear from him soon on the subject of my proposition. Thus I find myself without an answer to my letter, or such an issue to our interview as I had wished; and the ship is this morning gone down the river.

In this situation, willing to give Congress every information in my power, I have desired the gentlemen who were present at the conversation which passed on our first interview to recollect and put in writing the substance of it. This they have been so obliging as to do, and a copy of it is enclosed.

As soon as I am possessed of a reply from General Carleton to my letter of the 6th, I will do myself the honor to transmit a copy to your Excellency without delay.

It is my duty, also, to inform Congress that, in consequence of their resolutions of the 15th of April, and reference to me of the letter of Sir Guy Carleton of the 14th of April to the Secretary of Foreign Affairs, and not thinking it proper to suffer any further delay, I have appointed Daniel Parker, Esquire, Egbert Benson, Esquire, and Lieutenant Colonel William S. Smith, as Commissioners on the part of the United States to attend and inspect the embarkations that may in future be made at New York, previous to the final evacuation of that city. The powers with which these gentlemen are vested will appear from a copy of their appointment and instructions, which are enclosed, and which I hope will meet the approbation of Congress.

I have the honor to be, &c.,

GO. WASHINGTON.

Letter from General Washington to Sir Guy Carleton.

Orange-Town, May 6, 1783.

Sir,

In my letter of the 21st April I enclosed to your Excellency a copy of a resolution of Congress of the 15th, instructing me in three points which appeared necessary for carrying into effect the terms of the treaty between Great Britain and the United States of America, and informed you that such part as rested on my decision, and which regarded the release of prisoners, had been determined, and was then ordered to be carried into execution. Upon the other two points, as they respected the receiving possession of the post in occupation of the British troops, and the carrying away any negroes or other property of the American inhabitants, and both being within your control, I had the honor to propose a personal interview with your

Excellency, that the subjects might be freely discussed, and that measures might be agreed upon for carrying into execution those points of the seventh article of the treaty agreeably to their true intent and spirit.

Having been favored this day with a personal conference, I have now, to prevent misapprehension and misconstruction, and that I may be enabled to fulfil my instructions with fidelity and with candor, the honor to propose, agreeably to our conversation, that your Excellency will be pleased to give me, in writing, information of what means are adopting on your part for carrying into execution that point of the treaty which regards the evacuation of the posts now in possession of the British troops, and under your Excellency's command; and, also, at what time it is probable those posts, or any of them, may be relinquished, and the fleets and armies of his Britannic Majesty withdrawn.

Respecting the other point of discussion, in addition to what I mentioned in my communication of 21st ultimo, I took occasion, in our conferences, to inform your Excellency that, in consequence of your letter of the 14th of April, to R. R. Livingston, Esq., Congress had been pleased to make a further reference to me of that letter, and had directed me to take such measures as should be found necessary for carrying into effect the several matters mentioned by you therein. In the course of our conversation upon this point, I was surprised to hear you mention that an embarkation had already taken place, in which a large number of negroes had been carried away. Whether this conduct is consonant to, or how far it may be deemed an infraction of, the treaty, it is not for me to decide. I cannot, however, conceal from your Excellency that my private opinion is, that the measure is totally different from the letter and spirit of the treaty. But, waiving the discussion of the point, and leaving its decision to our respective sovereigns, I find it my duty to signify my readiness, in conjunction with your Excellency, to enter into any agreement, or take any measures which may be deemed expedient to prevent the future carrying away any negroes or other property of the American inhabitants.

I beg the favor of your Excellency to reply; and I have the honor to be, &c.,

GO. WASHINGTON.

Extract from the substance of the Conference between General Washington and Sir Guy Carleton, at an interview at Orange-Town, May 6, 1783.

General Washington opened the conference by observing that he, heretofore, had transmitted to Sir Guy Carleton the resolutions of Congress of the 15th ultimo; that he conceived a personal conference would be the most speedy and satisfactory mode of discussing and settling the business, and that therefore he had requested the interview; that the resolutions of Congress related to three distinct matters, namely, the setting at liberty the prisoners, the receiving possession of the posts occupied by the British troops, and the obtaining the delivery of all negroes and other property of the inhabitants of these States, in the possession of the forces, or subjects of, or adherents to, his Britannic Majesty. That, with respect to the liberation of the prisoners, he had, as far as the business rested with him, put it in train by meeting and conferring with the Secretary of War, and concerting with him the proper measures for collecting the prisoners and forwarding them to New York, and that it was to be optional with Sir Guy whether the prisoners should march by land, or whether he would send transports to convey them by water, and that the Secretary of War was to communicate with Sir Guy Carleton on the subject, and obtain his determination. With respect to the other two matters which were the objects of the resolutions, General Washington requested the sentiments of General Carleton.

Sir Guy then observed, that his expectations of peace had been such as that he had anticipated the event by very early commencing his preparations to withdraw the British troops from the country, and that every preparation which his situation and circumstances would permit was still continued. That an additional number of transports (and which were expected) were necessary to remove the troops and stores, and, as it was impossible to ascertain the time when the transports would arrive, their passage depending on the casualties of the seas, he was therefore unable to fix a determinate period within which the British forces would be withdrawn from the city of New York. But that it was his desire to exceed even our own wishes in this respect, and that he was using every means in his power to effect, with all possible despatch, an evacuation of that and every post within the United States occupied by the British troops under

his direction. That he considered as included in the preparations for the final departure of the British troops, the previously sending away those persons who supposed that, from the part they had taken in the present war, it would be most eligible for them to leave the country; and that upwards of six thousand persons of this character had embarked and sailed, and that, in this embarkation, a number of negroes were comprised.

General Washington thereupon expressed his surprise that, after what appeared to him an express stipulation to the contrary in the treaty, negroes, the property of inhabitants of these States, should be sent off. To which Sir Guy Carleton replied that he wished to be considered as giving no construction of the treaty; that by *property* in the treaty, might only be intended property *at the time* the negroes were sent off; that there was a difference in the mode of expression in the treaty. Archives, papers, &c., were to be restored; negroes and other property were only not to be destroyed or carried away. But he principally insisted that he conceived it could not have been the intention of the British Government, by the treaty of peace, to reduce themselves to the necessity of violating their faith to the negroes, who came into the British lines under the proclamation of his predecessors in command; that he forbore to express his sentiments on the propriety of those proclamations, but that delivering up the negroes to their former masters would be delivering them up, some possibly to execution, and others to severe punishments, which, in his opinion, would be a dishonorable violation of the public faith, pledged to the negroes in the proclamation; that if the sending off the negroes should hereafter be declared an infraction of the treaty, compensations must be made by the Crown of Great Britain to the owners; that he had taken measures to provide for this by directing a register to be kept of all the negroes who were sent off, specifying the name, age, and occupation of the person, and the name and place of residence of his former master. General Washington again observed that he considered this conduct on the part of General Carleton a departure from both the letter and the spirit of the articles of peace; and particularly mentioned a difficulty that would arise in compensating the proprietors of negroes, (admitting this infraction of the treaty could be satisfied by such compensation as Sir Guy had alluded to,) as it was impossible to ascertain the value of the slaves from any fact or circumstance which may appear in the register, the value of the slave consisting chiefly

in his industry and sobriety; and General Washington mentioned a further difficulty which would attend identifying the slave, supposing him to have changed his own name, or to have given in a wrong name to his master. In answer to which Sir Guy Carleton said, that as the negro was free and secured against his master, he could have no inducement to conceal either his own true name or that of his master. Sir Guy Carleton then observed that, by the treaty, he was not held to deliver up any property, but was only restricted from carrying it away; and therefore, admitting the interpretation of the treaty as given by General Washington to be just, he was, notwithstanding, pursuing a measure which would operate most for the security of the proprietors. For if the negroes were left to themselves, without care or control from him, numbers of them would very probably go off, and not return to the parts of the country from whence they came, or clandestinely get on board the transports in such manner as would not be in his power to prevent; in either of which cases an inevitable loss would ensue to the proprietors; but, as the business was now conducted, they had at least a chance for compensation. Sir Guy concluded the conversation on this subject by saying that he imagined that the mode of compensating, as well as the accounts and other points, with respect to which there was no provision made in the treaty, must be adjusted by commissioners to be hereafter appointed by the two nations.

We, having been present at the conference, do certify the above to be true.

GEORGE CLINTON,
JNO. M. SCOTT,
EGBERT BENSON,
JONA. TRUMBULL.

Copy of the Appointment and Instructions to the Commissioners to inspect and superintend Embarkations in New York.

By his Excellency George Washington, Esquire, General and Commander-in-Chief of the Forces of the United States, &c.:

To Egbert Benson, Esquire, Attorney General of the State of New York; William S. Smith, Esquire, Lieutenant Colonel in the service of the United States; and Daniel Parker, Esquire.

Whereas, his Excellency Sir Guy Carleton, Commander-in-Chief of the British troops in the posts now occupied by his Britannic

Majesty contiguous to the Atlantic, did, on the 14th of April last, write to the honorable Robert R. Livingston, one of the American Ministers, in the words following, viz :

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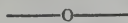
Whereas, Congress did, on the 24th of April, 1783, refer the said letter to me, with directions to take such measures for carrying into effect the several matters therein mentioned as to me should seem expedient ; and whereas, I have thought it expedient and necessary that commissioners should be appointed for the purposes aforesaid, and to carry fully into execution the instructions of Congress “for obtaining the delivery of all negroes and other property ‘of the inhabitants of the United States in the possession of the ‘British forces, or any subjects of or adherents to his Britannic ‘Majesty :”

I do, therefore, in virtue of the powers vested in me as aforesaid, hereby nominate, constitute, and appoint you, the said Egbert Benson, William S. Smith, and Daniel Parker, commissioners on behalf of the United States, for the purposes before mentioned, and you are to attend particularly to the due execution of that part of the seventh article of the provisional treaty where it is agreed that his Britannic Majesty shall withdraw his armies, &c., from the United States, “without causing any destruction, or carrying away any negroes or other property of the American inhabitants ;” and you, the aforesaid Egbert Benson, William S. Smith, and Daniel Parker, or any two of you, are hereby fully authorized and empowered to be present at New York, and to assist such persons as shall be appointed by the Commander-in-Chief of the British forces in New York, to inspect and superintend all embarkations which the evacuation of that place may require, and you are to represent to the said Commander-in-Chief every infraction of the letter or spirit of the aforesaid treaty, to the end that redress may be obtained, furnishing me, at the same time, with duplicates of all such representations or communications as may be made by you on the subject, with the result thereof ; and making a general report of your proceedings at the termination of this commission.

Relying on your patriotism, fidelity, and abilities, I do hereby further authorize and empower you, in transacting the aforesaid business, to act in conformity to your own judgment and discretion, in all such matters and things relative thereto as are not particularly specified herein. This commission to continue in force until the

evacuation of New York shall be completely effected, unless sooner revoked.

Given under my hand and seal, at Orange-Town, this 8th day of May, 1783.



FROM JOHN ADAMS TO JOHN JAY.

London, May 30, 1785.

Dear Sir,

I have redeemed a moment from a multitude of avocations, at this critical time, to acknowledge the receipt, by Colonel Smith, of your letters of the 31st of March, with the resolution of Congress enclosed of the 21st of March. As M. de St. Saphorin is many months ago recalled from the Hague, I shall make inquiry after him, and if I cannot find where he is, I shall communicate a copy of the resolution to the Danish Minister here, by whom it will be transmitted to his Court, which I suppose will be an execution of my instructions as near the spirit of them as is now practicable. The liberal decision of his Danish Majesty, respecting the ordination of American candidates for holy orders in the Episcopal Church, called the Church of England, as soon as it was known in England, produced a more liberal spirit and decision here than had prevailed before, so that I hope that respectable body of our fellow-citizens who are interested in it, have derived a benefit from it. I am much obliged to Congress for this instance of their approbation, and for the honor they have done me in transmitting an account of it to the Executives of the States.

I have received, too, your letter of 13th of April, 1785, with the resolve of Congress of 14th February, 1785, empowering your Ministers to apply a sum not exceeding eighty thousand dollars to the use of treating with Morocco, &c. But I have heard nothing of Captain Lamb, or the papers by him. What my colleagues will judge proper to do, I cannot say, but the advice of the French Court was conformable to the opinion of us all, that it will be indispensable for Congress to send a Consul with full powers.

I received, at Auteuil, my commission, instructions, and letter of credence to the Court of Great Britain, and have now received, by Colonel Smith, the papers sent by him.

I received, at Auteuil, the ratification of the last loan in Holland, which I transmitted immediately to Amsterdam, where it has been received, registered, and communicated to the lenders of money, and has given them satisfaction, since which I have received from you sir, duplicate and triplicate of the same ratification. The cypher is received, and shall be attended to.

Your Ministers have written, monthly, an account of their proceedings. Not one packet has been missed; but when I left Auteuil, we had no certain evidence that any one of our letters had been received. We supposed that this was because Congress had not completed their instructions upon any of them; but I must beg the favor of you, sir, barely to mention the receipts of my letters and their dates, although you may not be prepared to answer them; without this one loses the chain of correspondence. I have been visited by some gentlemen, who, I suppose, had seen the Ministers, and learned from them what to say to me. They said that the Ministry and the King considered the appointment of a Minister as a proof of a conciliating disposition; that it was a relief to them from an anxiety, &c.; and that they were fully determined to receive me, in all respects, like all the other foreign Ministers. This, I believe, is true; but we must be cautious what consequences we draw from it. It by no means follows that they are determined to do what their honor and their public faith obliges them to do, according to our ideas of their obligations. It by no means follows that they will surrender the posts, restore the negroes, relieve the debtors, or make an equitable treaty of commerce. I hope they will do all these things; but I can ascertain nothing until my character is acknowledged by a public reception and audience of his Majesty, made my visits to his Ministers, and had time to enter into a candid discussion of these questions. You shall be punctually informed from step to step.

With great esteem, &c.,

JOHN ADAMS.

P. S. This morning Sir Clement Cottrell Dormer, master of the ceremonies, called upon me, to inform me that he was ordered to attend me to Court on Wednesday, as he did on all foreign Ministers at their first presentation, to shew them the way through the apartments, &c.

FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, June 1, 1785.

Dear Sir,

In my letter of the 28th ultimo I enclosed copies of the letters which have passed between the Secretary of State and myself, wherein this day was fixed upon for my introduction to his Majesty. Agreeably to that arrangement, the master of ceremonies waited on me alone, and accompanied me to the Secretary's office, from whence Lord Caermarthen accompanied me to the palace. I was, in a very short time, introduced to the King's closet, where, with the usual ceremony, I presented my letter of credence to his Majesty, and after a few minutes' conversation retired. I have only time to observe, sir, that I was introduced with every necessary formality, and received with some marks of attention.

The door being now opened, I may, perhaps, soon have it in my power to form some opinion respecting the general disposition of the King and his Ministers, relative to the objects of my mission, of which you may expect the earliest communication.

I am, &c.,

JOHN ADAMS.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, June 2, 1785.

Dear Sir,

During my interview with the Marquis of Caermarthen, he told me that it was customary for every foreign Minister, at his first presentation to the King, to make his Majesty some compliments conformable to the spirit of his credentials, and when Sir Clement Cottrel Dormer, the master of the ceremonies, came to inform me that he should accompany me to the Secretary of State, and to Court, he said that every foreign Minister whom he had attended to the Queen had always made an harangue to her Majesty, and he understood, though he had not been present, that they always harangued the King.

On Tuesday evening the Baron de Lynden called upon me, and said he came from the Baron de Nolken, and had been conversing upon the singular situation I was sent in, and agreed in opinion that it was indispensable that I should make a speech, and that it should be as complimentary as possible; all this was parallel to the advice

lately given by the Count de Vergennes to Mr. Jefferson, so that finding it was a custom established at both these great Courts, and that this Court and the foreign Ministers expected it, I thought I could not avoid it, although my first thought and inclination had been to deliver my credentials silently and retire.

At one, on Wednesday, the 1st of June, the master of ceremonies called at my house, and went with me to the Secretary of State's Office, in Cleveland Row, where the Marquis of Caermarthen received me, and introduced me to his under Secretary, Mr. Frazier, who has been, as his Lordship said, uninterrupted in that office through all the changes in administration for thirty years, having first been appointed by the Earl of Holderness.

After a short conversation upon the subject of importing my effects from Holland and France free of duty, which Mr. Frazier himself introduced, Lord Caermarthen invited me to go with him in his coach to Court. When we arrived in the Ante-Chamber, the *Œil de Bœuf* of St. James's, the master of the ceremonies met me and attended me, while the Secretary of State went to take the commands of the King. While I stood in this place, where it seems all Ministers stand upon such occasions, always attended by the master of ceremonies, the room very full of Ministers of State, Bishops, and all other sorts of courtiers, as well as the next room, which is the King's bed-chamber, you may well suppose I was the focus of all eyes. I was relieved, however, from the embarrassment of it by the Swedish and Dutch Ministers, who came to me and entertained me in a very agreeable conversation during the whole time. Some other gentlemen, whom I had seen before, came to make their compliments to me, until the Marquis of Caermarthen returned and desired me to go with him to his Majesty. I went with his Lordship through the levee room into the King's closet. The door was shut, and I was left with his Majesty and the Secretary of State alone. I made the three reverences, one at the door, another about half way, and the third before the presence, according to the usage established at this and all the northern Courts of Europe, and then addressed myself to his Majesty in the following words:

"Sir: The United States of America have appointed me their Minister Plenipotentiary to your Majesty, and have directed me to deliver to your Majesty this letter, which contains the evidence of it. It is in obedience to their express commands that I have the

honor to assure your Majesty of their unanimous disposition and desire to cultivate the most friendly and liberal intercourse between your Majesty's subjects and their citizens, and of their best wishes for your Majesty's health and happiness, and that of your royal family. The appointment of a Minister from the United States to your Majesty's Court will form an epoch in the history of England and of America. I think myself more fortunate than all my fellow-citizens in having the distinguished honor to be the first to stand in your Majesty's royal presence in a diplomatic character, and shall esteem myself the happiest of men if I can be instrumental in recommending my country more and more to your Majesty's royal benevolence, and of restoring an entire esteem, confidence, and affection; or, in better words, the old good nature and the old good humor between people who, though separated by an ocean, and under different Governments, have the same language, a similar religion, and kindred blood.

"I beg your Majesty's permission to add that, although I have some time before been entrusted by my country, it was never in my whole life in a manner so agreeable to myself."

The King listened to every word I said with dignity, but with an apparent emotion. Whether it was the nature of the interview, or whether it was my visible agitation (for I felt more than I did or could express) that touched him, I cannot say; but he was much affected, and answered me with more tremor than I had spoken with, and said:

"Sir: The circumstances of this audience are so extraordinary, the language you have now held is so extremely proper, and the feelings you have discovered so justly adapted to the occasion, that I must say that I not only receive with pleasure the assurance of the friendly dispositions of the United States, but that I am very glad the choice has fallen upon you to be their Minister. I wish you, sir, to believe, and that it may be understood in America, that I have done nothing in the late contest, but what I thought myself indispensably bound to do by the duty which I owed to my people. I will be very frank with you. I was the last to consent to the separation; but the separation having been made, and having become inevitable, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent Power. The moment I see such sentiments and

‘language as yours prevail, and a disposition to give to this country the preference, that moment I shall say, let the circumstances of language, religion, and blood have their natural and full effect.’

I dare not say that these were the King’s precise words, and it is even possible that I may have in some particular mistaken his meaning, for although his pronunciation is as distinct as I ever heard, he hesitated some time between his periods, and between the members of the same period. He was much affected, and I was not less so, and therefore I cannot be certain that I was so attentive, heard so clearly, and understood so perfectly as to be confident of all his words or sense, and I think that all which he said to me should at present be kept a secret in America, unless his Majesty or his Secretary of State should judge proper to report it. This I do say that the foregoing is his Majesty’s meaning as I then understood it, and his own words as nearly as I can recollect them. The King then asked me whether I came last from France, and upon my answering in the affirmative, he put on an air of familiarity, and smiling, or rather laughing, said there is an opinion amongst some people that you are not the most attached of all your countrymen to the manners of France. I was surprised at this, because I thought it an indiscretion and a departure from true dignity. I was a little embarrassed, but determined not to deny the truth on one hand, nor leave him to infer from it any attachment to England on the other. I threw off as much gravity as I could, and assumed an air of gayety and a tone of decision as far as was decent, and said, that opinion, sir, is not mistaken; I must avow to your Majesty I have no attachment but to my own country. The King replied as quick as lightning, an honest man will never have any other. The King then said a word or two to the Secretary of State, which, being between them, I did not hear, and then turned and bowed to me as is customary with all Kings and Princes when they give the signal to retire. I retreated, stepping backward as is the etiquette, and, making my last reverence at the door of the chamber, I went my way.

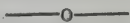
The master of the ceremonies joined me the moment of my coming out of the King’s closet, and accompanied me through the apartments to my carriage. I have been thus minute as it may be useful to others hereafter.

The conversation with the King, Congress will form their own judgment of. I may expect from it a residence less painful than I

once expected, as so marked an attention from the King will silence many grumblers; but we can infer nothing from all this concerning the success of my mission. There are a train of other ceremonies to go through. The Queen, and visits to and from Ministers and Ambassadors, which will take up much time, and interrupt me in my endeavors to obtain what I have at heart—the object of my instructions. It is thus the essence of things are lost in ceremony in every country of Europe. We must submit to what we cannot alter. Patience is the only remedy.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, June 6, 1785.

Dear Sir,

Colonel Smith, on the 3d of this month, informed me that Colonel Forrest had been with him, in behalf of two gentlemen of Glasgow, (Mr. Calquhoun, provost of that city, and Mr. Alexander Brown,) who were deputed by the merchants of that place, who had debts in America, to confer with the creditors in London concerning an application to Ministry and Parliament to obtain their interposition for the recovery of their claims, but that having heard of the appointment of a Minister to this Court, and of my arrival, they were desirous of seeing me. I desired Colonel Smith to inform them that I should be glad to see them the next morning. Accordingly, on the 4th they came, and Mr. Calquhoun informed me of his errand, and said that he was very glad that Congress had appointed a Minister, because he hoped that the article of debts would now be accommodated to mutual satisfaction, without any application on their part; and he should be glad to return to Scotland without making any, provided he could be furnished with a reasonable account to give of himself to his constituents.

I told him I was obliged to him for having given me an opportunity to see him; that the merchants of Glasgow must be sensible we were but just emerged from an impoverishing war, in which there had been a great interruption of agriculture and commerce, and a still greater destruction of property, which rendered it difficult for any debtor, and impossible for many, to discharge their debts forth-

with; that, I was persuaded, there was a general disposition to discharge the debts as fast as it could be done, but that time and patience were as much for the interest of the creditors as the debtors; that if there had been any interposition of the Governments in America, it had been, as I presumed, solely with a view of giving time to negotiate an explication of the article of the treaty, and to prevent the imprudence of hasty creditors from hurting themselves as well as the debtors, to no good end; that one principal object of my mission was to negotiate this affair with the Minister; and although I was not authorized by the debtors, and could not be empowered by Congress, to treat with the merchants of London and Glasgow, they might depend upon my devoting a full proportion of my time to this subject with the Ministry, and should be always ready to hear any proposals, explanations, or arguments, even from individuals, and to transmit them to Congress, if they were such as merited attention; that it was thought very hard and unreasonable in America that interest should be insisted on during the war, and that if the creditors could be brought to consent to relinquish it, and that a reasonable time should be allowed, I thought the whole might be arranged to mutual benefit and satisfaction; that creditors should consider that there was a great demand for clothing, stock, and utensils, to repair the waste of war, and to put estates into a condition to produce and to set commerce in motion; that this, together with the zeal to pay as much of their debts as possible, had already raised the interest of money, even to an alarming height; that it must be better to allow the debtor time to turn himself, that he might pay all, rather than press him suddenly, so that he might not be able to pay more than a part; that if property were seized upon now, it might not produce half its value, whereas, left in the hands of the present possessor, it would enable him to employ it to such advantage as to pay his debts in time.

Mr. Calquhoun made no particular reply to the subject of interest, but said the merchants of Glasgow were fully sensible of the circumstances I had mentioned, and were very willing to wait, and they were desirous of entering into some agreement that the debts should be paid in five years by instalments, one fifth in a year; but they were alarmed at the spirit of migration into the wilderness in America. They thought it wrong to be restrained from arresting the person or attaching property of a debtor whom they saw about

to remove to Kentucky and other places, where they could never be come at. I told him that this was new to me, but that Kentucky and all other new settlements were under the laws and jurisdiction of some State as I supposed, and, therefore, the debtor and his property would be within the reach of the creditor as much as if he remained in the cities and old settlements, and as those removals commonly advanced the fortunes of the emigrants, it might be rather a benefit to their creditors by increasing the ability to pay. I subjoined that there were two things which fell very hard upon the debtors in the States of Virginia and New York, (for he had mentioned these particularly,) one was the great number of negroes which had been carried away. If these negroes had been restored according to the treaty, they would have been at work to earn money to pay their masters' debts; but the carrying them off was a double loss to the owner, and the holding possession of the posts upon the frontiers had kept out of our hands a valuable trade, which would have gone a great way to enable us to pay our debts. He said he thought it a very foolish thing to hold possession of the posts, &c. That he would venture to return to Scotland, and would take no more measures about applying to Parliament, which he was sensible must excite a clamor, and he hoped the merchants of Glasgow would be contented to wait. He seemed to be well pleased with the conversation, and took his leave in good humor, so that I think it very lucky that so noisy a business as a petition to Parliament should be so easily diverted at this critical moment.

But I am unfortunate in another respect, as my Lord Caermarthen is ill of a fever, so that I shall not, I fear, be able to commence conferences with him upon business so soon as hoped. No time shall be lost by me.

With great and sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, August 3, 1785.

Dear Sir,

I have had the honor to receive and communicate to Congress your letters of the 15th December, 1784, 13th and 24th April, 4th, 5th, 7th, 8th, 13th, 29th May, which enclosed your correspondence with Lord Caermarthen, 30th May and 1st June.

April 24.—Congress are pleased to hear that you have completed the loan in Holland; but have not directed me to say any thing of opening a new one. I wish I could answer you that the exertions of the States to provide for the payment of the public debts were proportionate to the public exigencies. At present they are not; but we flatter ourselves that our expectations on that head will yet be realized, and that the different Legislatures, at their ensuing sessions, will see the necessity of adopting more efficient measures than have hitherto been taken.

I am entirely of opinion with you that the people of this country should, by a punctilious observance of the treaty, enable you to insist with more propriety than energy on its being kept with equal good faith by Britain. The case of the refugees is a delicate subject, and my sentiments respecting it perfectly correspond with yours.

The obliging terms in which you mentioned my appointment to this office demand my warmest acknowledgments. Be assured my endeavors shall not be wanting, so to conduct the business of this department as to confirm the opinion you entertain of my attention to it.

There is reason to believe that the demand of Mr. Longchamps will not be persisted in.

May 4th.—I presume you will not receive a letter of recall from your legation to the Hague until a successor shall be appointed. Governor Livingston was elected, but declined; and the answer of Governor Rutledge, who has since been appointed, is not yet arrived. Perhaps circumstances may admit of your making a trip to the Hague to take leave in form. If not a letter mentioning, in general terms, the obstacles which detain you would probably be satisfactory to their High Mightinesses.

The calamities experienced and apprehended by France from the unseasonable weather of the late spring are severe, and must naturally have the tendency you remark. I am happy to inform you that this country enjoys a plentiful harvest.

May 8th.—If Britain should object to the powers of Congress to form treaties of commerce, it will probably be for the purpose of delay. There is no reason to suspect that the different States even wish to send Ministers to foreign Powers in any other way than the one directed by the Confederation. Nor is it more probable that

Congress will refer their proper business to the deliberation and discussion of the different Legislatures; for such references would sap the foundation of Federal Government. Whether any and what measures may be necessary to obviate the difficulties you allude to on those points, will best be decided when the nature and extent of them can be ascertained. Your conferences with the Minister will soon put you in capacity to remove all doubts on that head.

May 13th.—The attention paid you by the Duke of Dorset strikes me as marks of his good sense; and the cautious manner in which he compared notes with you, shews that much is not to be expected from his frankness; but whatever may be the intentions of this Court as to our frontiers, &c., and in whatever degree of silence and mystery they may wish to involve their designs, your first conversation with the Minister on these heads must furnish you at least with a clue to them.

The expenses of the presentation of yourself and family will doubtless be considerable, and I have long been of opinion that your salary is not equal to what the expenses of a Minister ought to be; for custom and fashion often exact a tribute, which, however just and virtuous to refuse, is often very expedient to pay. In short, your salary is more than what a private gentleman may, with care, live decently upon, but is less than is necessary to enable you to live as other Ministers usually and generally do. Whether Congress will make any alterations in this respect is very uncertain. There are men in all the States who make a merit of saving money in small matters, without sufficiently attending to the consequences of it.

May 29th.—I congratulate you sincerely on your arrival in London; and think you were very right in settling all matters of etiquette with the Marquis of Caermarthen previous to your presentation. A letter of credence to the Queen was, I believe, neither heard nor thought of here. I think it would be well to make further inquiries respecting that matter; so that we may form some judgment of the usual tenor and contents of such letters. I wish you had informed me whether such a letter could, with propriety, yet be sent you, or whether it would be better to be silent about the omission, and only take care not to repeat it on a future occasion. Your opinion would be the more decisive, because you may learn with certainty whether such a letter is yet expected from Congress. At any rate, I think it would be well to give assurances that the

omission proceeded not from want of respect, but for want of information; for that, undoubtedly, was the fact.

May 30th.—Your communicating to the Danish Minister a copy of the resolution of the 21st March was rendered very proper by M. de St. Saphorin's having been recalled.

On the 25th March last, the papers you alluded to respecting the Morocco business were forwarded to Captain Lamb, by a messenger whom we sent for them. At what time exactly he sailed, I am not informed, though I am persuaded it must have been very soon after the return of his messenger.

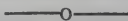
June 1st.—It gives me pleasure to hear that your reception at St. James's was such as you represent it. I flatter myself that the difficulties you expect to encounter will be surmounted by the like address and temperate perseverance which gave success to your negotiations in Holland.

I hope by the next conveyance to be enabled to communicate to you some directions of Congress respecting the payment of the salaries of yourself and the other public Ministers and servants in Europe. I made a report on that subject to Congress the 1st April last, which is still under their consideration.

You will receive some of our latest newspapers, and the Journal of Congress from the 1st March to 19th June last.

I have the honor to be, &c.,

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, June 10, 1785.

Sir,

Yesterday, the 9th of the month, I was presented to the Queen by my Lord Ailesbury, her Lord Chamberlain, having been attended to his Lordship and introduced to him by the master of the ceremonies. The Queen was attended by her ladies, and I made my compliments to her Majesty in the following words:

"Madam: Among the many circumstances which have rendered 'my mission to his Majesty desirable to me, I have ever considered 'it as a principal one that I should have an opportunity of making 'my court to a great Queen, whose royal virtues and talents have 'ever been acknowledged and admired in America, as well as in all

‘nations of Europe, as an example to princesses, and the glory of
‘her sex. Permit me, madam, to recommend to your Majesty’s
‘royal goodness; a rising empire and an infant virgin world. Another
‘Europe, madam, is rising in America. To a philosophical mind
‘like your Majesty’s there cannot be a more pleasing contemplation
‘than this prospect of doubling the human species, and augmenting,
‘at the same time, their prosperity and happiness. It will in future
‘ages be the glory of these kingdoms to have peopled that country,
‘and to have sown there those seeds of science, of liberty, of virtue,
‘and permit me, madam, to add, of piety, which alone constitute
‘the prosperity of nations, and the happiness of the human race.

“After venturing upon such high insinuations to your Majesty, it
‘seems to be descending too far to ask, as I do, your Majesty’s
‘royal indulgence to a person who is indeed unqualified for Courts,
‘and who owes his elevation to his distinguished honor of standing
‘before your Majesty not to any circumstances of illustrious birth,
‘fortune, or abilities, but merely to an ardent devotion to his native
‘country, and some little industry and perseverance in her ser-
‘vice.”

The Queen answered me in these words :

“I thank you, sir, for your civilities to me and my family, and am
‘glad to see you in this country.”

The Queen then asked me if I had provided myself with a house.
I answered, “I have agreed for one, madam, this morning.” She
then made her courtesy, and I made my reverence and retired into
the drawing-room, when the King, Queen, Princess Royal, and
the younger Princess, her sister, all spoke to me very obligingly.
I attended until the drawing-room was over, and then returned
home.

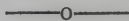
It has been necessary, in order to guard against false reports and
malicious fictions, to reduce to writing what was said in my audience
of the King and Queen; and it is the custom of all Ministers to
transmit these compliments to their Courts.

I transmit them to you in cypher, that they may be exposed to as
little criticism as possible, as the Court knew very well that the eyes
of all nations were fixed upon these audiences. It may be fairly
concluded from them that it is the intention of the Royal family,
and of Ministers, to treat America like other foreign Powers; but
our inferences can go no further. We cannot infer from this that

they will relax their navigation act for us any more than for France. We are sure of one thing, that a navigation act is in our power as well as in theirs, and that ours will be more hurtful to them than to us. In short, it is scarcely possible to calculate to what an height of naval power a navigation act will raise the United States in a few years.

With great esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Westminster, June 17, 1785.

Sir,

At three o'clock, according to appointment, I went to the Secretary of State's office, in Cleveland Row, St. James's, and was immediately received by the Marquis of Caermarthen.

His Lordship began the conversation by saying that he could answer for himself, and he believed for the rest of the King's servants, that they were sincerely desirous of cultivating the most cordial friendship with America, and for doing everything in their power for dissipating every little animosity that might remain among individuals. In return, I told his Lordship that I was glad to hear such assurances from him and the other Ministers, and that I was very confident that the people of the United States had correspondent dispositions, and that I had sanguine hopes that, in a short time, all remaining difficulties would be amicably settled; that, to this end, I was charged by Congress with several particulars, which had hitherto given some uneasiness, but which, upon a candid discussion, might be easily accommodated, as I hoped, to mutual satisfaction. That there were six principal points to be discussed with his Lordship. The first, and perhaps the most pressing, was the posts and territories within the limits of the United States, which were still held by British garrisons; the exportation of negroes and other American property, which, by the seventh article of the treaty of peace, was not to be exported; the tendency of the restrictions on our trade to incapacitate our merchants to make remittances to theirs; the losses of our merchants as well as theirs, if we were unseasonably pressed for the payment of debts contracted before the war; the construction of the

armistice of 20th January, 1783, and the decision of questions of captures made after the expiration of the month; and the liquidation of the charges of prisoners of war. These were the general heads. The great question of the commerce between the countries, involving so many interests, and those of so important and so permanent a nature, might be attended with the most difficulties and require the longest time to be adjusted; but all the others appeared to be so clear and easy, that I hoped they might soon be finished, that, however, having barely opened to his Lordship the principal matters of negotiation, I should not enlarge upon all of them at present.

That the debts seemed to be a leading point, because they were intimately connected with all the others. The withholding the posts, the exportation of so many negroes, the restrictions on our trade, the misconstruction of the armistice, and the delay of liquidating the charges of prisoners, had all contributed very much to obstruct our merchants in their honest exertions to discharge their debts to the merchants of Great Britain; that it could not be unknown to his lordship that the withholding the posts had withheld from our merchants a very profitable fur trade, which we justly considered as our right; that the furs which would have been obtained, if the posts had been in our hands, would have come to England in payment of debts to the amount probably of several hundred thousand pounds; and his lordship must be sensible that one hundred thousand pounds a year more would have gone a great way towards contenting the creditors of this country; that it was impossible to say what a difference had been made by carrying away the negroes, which belonged chiefly to the southern States, and if the treaty had been observed, would have been at work on their masters' plantations, so that not only their original value, but their labor had been lost, all of which might and ought to have been applied to the payment of debts; that it was well known that a number of valuable vessels had been taken upon the coast of America, after the expiration of the month, and as yet withheld from the owners, who were all probably debtors, which had incapacitated them so far to pay; that there was supposed to be a large balance in our favor in the account of the charges of prisoners, which being withheld, operated still to disable us to that amount to do as we desired to do; that from all that I might be supposed to know of the character of the people of the United States, and from all the intelli-

gence I could gather from all parts of them, I was persuaded that nothing lay with greater weight upon their minds than the payment of their debts; that they thought their moral characters and their reputations as men, as well as their credit as merchants, concerned in it; that their zeal to make remittances had been such as to raise the interest of money to double its usual standard—to advance the price of bills of exchange to eight or ten per cent. above par, and to raise even the prices of the produce of the country to almost double its usual standard; that his lordship well knew we had no other mines of gold and silver than our lands and seas; that large sums of the circulating cash we had have been remitted to England in specie, and as much produce as could be purchased, at almost any rate, but that this produce lay in magazines in London, because it would not fetch the price that was given for it in America; that the people of America were nineteen-twentieths of them farmers; that these had sold their produce dearer, and purchased the manufactures of Europe cheaper, since the peace, than ever; but that the situation of the merchants, both in America and in England, had been, and continued to be, very distressing. No political arrangements having been made, they had all expected that the trade would return to its old channels, and nearly under the same regulations; but they had been disappointed—British merchants had made large advances, and American merchants contracted large debts, both depending upon remittances in the usual articles, and upon the old terms, but both had found themselves disappointed, and it was much to be feared that the consequence would be numerous failures. That the cash and bills had been chiefly remitted, to the great loss and danger to the country; that remittances could not be made as heretofore, by reason of obstructions, restrictions, and imposts laid by Great Britain on our exports to Great Britain; that neither rice, tobacco, pitch, tar, turpentine, ships, oil, nor other articles, the great sources of remittances formerly, could now be sent as heretofore, and the trade of the West Indies, formerly a vast source of remittance, was now obstructed; that, under these circumstances, if the debtor should be immediately pressed by his British creditor, it would be a certain loss to both; that it was apprehended, among a number of creditors, there might be some, perhaps many, influenced by strong passions, by keen avidity or by personal resentment, who might rashly make use of the law to the ruin of his debtor, without being able, however,

to recover much of his debt. Here his lordship interrupted me, and said, I have seen one remarkable instance of the violence and unreasonableness of private resentment, when Mr. Chase was here from Maryland, in one of the trustees of the Maryland stock. Mr. Chase produced, from the Legislature of Maryland, authority to make full compensation to a relation of that trustee from an estate that had been confiscated, but he would not accept it, though I told him he would not be able to prevent the claim of Maryland, but would probably hurt his own interest, or that of his relation. I told his lordship I had yesterday received a letter from Mr. Paca, the Governor of Maryland, relative to the claim of that State, and should be glad to do them any service with his lordship or elsewhere, respecting that affair. That if his lordship gave their full weight to all these considerations, he must see the motives and the necessity of restraining the impetuosity of creditors. His lordship then read me, from a late petition to him from the merchants, an account of a bill lately brought into the Assembly of Virginia, for paying the debts by instalments, which he understood had been lost by a sudden storm or frost. The merchants complained of the cutting off the interest during the war, of the long term of years, and of the restraint from preventing the alienation of property, or of removal of debtors into the wilderness.

His Lordship heard me very attentively, and said that he hoped we should be able, with patience and time, to adjust all these things; that we should probably meet with many rubs in our way; that passion and private interest would sometimes be in our way, on both sides; but while the Ministers on both sides could keep right, he should think we might succeed; for his part, he was for attending to every consideration, and giving it its just weight, and he desired me to give him in writing something to begin upon. He thought the affair of the posts the most pressing, and wished I would begin with that. I told his Lordship that I would let him know, between him and me, that I had instructions to require the evacuation of the posts and surrender of all our territory, but wished to conduct the business with all the delicacy that was possible; and, therefore, I wished rather to inquire of his Lordship what were the intentions of his Majesty's Ministers, and whether they had already expedited orders for the evacuation of the posts, &c. His Lordship said I must give him my inquiries in writing, that he might have a ground for making

those inquiries himself, as it was an affair in another department. I agreed accordingly to make an office of it.

I shall at first confine myself to decent inquiries concerning the orders given, or to be given; and if I receive positive assurances that explicit orders are gone to the Governor and Commander-in-Chief in Canada to evacuate all the posts and territories, I shall content myself to wait; but if I do not obtain such explicit assurances, I shall think it my duty to present a memorial, with a decent but firm requisition. I shall transmit to you, sir, every step of my progress; but I find it very tedious—and fear you will find it more so—to transmit particular circumstances in detail. When one looks over again a letter in which he has attempted it, he finds a multitude of things omitted, or but half represented.

With great esteem, &c.,

JOHN ADAMS.

P. S. I forgot a circumstance of some consequence. His Lordship said he had seen in the gazettes some proceedings at Boston, which he was very sorry to see. I answered that I had seen them in the same gazettes, as I supposed, and had no more authentic account of them; that I had no authority to say anything officially about them, but, as an individual, I might say that the observations I just had the honor to make to his Lordship concerning the state of the commerce between the two countries, would be sufficient to explain to his Lordship the motives to those proceedings, and to convince his Lordship of the probability of such sentiments and proceedings becoming general throughout the United States, and alienating the commerce of that country from this, either by increasing manufactures in America, or opening new channels of commerce with other countries; which might easily be done unless some arrangements were made which might facilitate remittances. It was so obviously the true policy of this country to facilitate remittances from America, and to encourage everything we could send, as the Americans think, that when they find remittances discouraged, impeded, and even prohibited, it was natural to expect they would be alarmed, and begin to look out for other resources; that my fellow-citizens were very confident they had the power in their own hands to do themselves justice, as soon as they should find it denied them here; but I hoped the difficulties would all be removed here. The whole conference was conducted with perfect good humor, and, on the part of his Lordship, with perfect politeness.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, August 26, 1785.

Dear Sir,

It gives me pleasure to inform you that your letters of 2d, 6th, and 17th June last have been received, and were this day laid before Congress, who, I am persuaded, will read them with as much satisfaction as I have done. You have been in a situation that required much circumspection. I think you have acquitted yourself in a manner that does you honor.

The vessel that is to carry this sails in the morning, so that at present, I can only add my best wishes, and assure you that I am, &c.,

JOHN JAY.

REPORT OF SECRETARY JAY ON HIS LETTER OF INSTRUCTION TO
THE AMERICAN MINISTER AT LONDON.

Office for Foreign Affairs, June 23, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred his letter of the 19th ultimo to his Excellency the President of Congress, reports thereupon :

That, in his opinion, it would be advisable to permit your Secretary to write a letter of the following tenor, in cyphers, and by a private hand, to the Minister Plenipotentiary of the United States at the Court of London, viz :

Sir,

It is more than probable that this letter will find you in London.

The manner of your reception at that Court, and its temper, views, and dispositions respecting American objects, are matters concerning which particular information might be no less useful than it is interesting. Your letters will, I am persuaded, remove all suspense on those points.

While men or States are influenced by their passions and their interest alternately, without having reduced their pursuit of either to system, it is impossible to predict which of those motives will preponderate on certain occasions, and render *certain* combinations of circumstances.

Hence it is uncertain how far and in what instances the national ill temper of Britain towards this country may lead that kingdom to gratify it at the expense of a more conciliating and advantageous policy.

It is well known that these countries, prior to the late war, carried on a valuable trade with Honduras and Campeachy, and employed above one hundred vessels in exchanging, at the English settlements, beef, pork, and other kinds of provision for logwood, mahogany, sarsaparilla, &c.,

It being the policy of Spain to keep other nations at a distance from their American dominions, she beholds these settlements with pain and jealousy.

The uneasiness which subsists at present between those two nations on that subject, seems to offer us an opportunity of negotiating with the English for a participation in their right to cut logwood, or at least to trade with them as *formerly*.

They may, perhaps, think it expedient to strengthen their footing in those parts by interesting us in the advantages resulting from their continuing to maintain it.

It would not be difficult for you to sound the Minister so effectually, and yet circumspectly on this head, as to enable you to discern his disposition and sentiments on the one hand, and yet avoid committing either Congress or yourself on the other, as the experiment, whether successful or not, can cost little, as in the one event it may produce good, and the other no inconveniences can follow. I think it would be advisable to make it.]

Various considerations, of which I am sure you are apprized, render it necessary to manage this matter with caution and secrecy, as well on account of those with whom you may have to negotiate as of those who may eventually be affected, or think themselves so, by the issue.]

The English and their Minister do not like us; and you know dislike and disgust, whether well or ill founded, always oppose, and frequently exclude, both confidence and candor; in such cases therefore, constant provision and much circumspection are requisite.

Your knowledge of Spain, and the political relation in which she stands to us and to others, make it unnecessary to observe that the measure in question would, if known, meet with strong, if not open opposition from that, and probably from other quarters.

I shall write another official letter to you by this conveyance, and
um, with great respect and esteem, &c.

All which is submitted to the wisdom of Congress.

JOHN JAY.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Bath Hotel, Westminster, June 26, 1785.

Dear Sir,

By the ninth article of the Confederation, the United States, in Congress assembled, have the sole and exclusive right and power of entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever.

I have ventured, sir, in some former letters to you, notwithstanding the delicacy of tampering with the Confederation, to suggest to your consideration whether it may not be necessary for the States to reconsider this proviso, and give to Congress unlimited authority to enter into treaties of commerce with foreign Powers, at least for a limited term of years. I have also inquired whether it might not be necessary for the States to confer upon Congress authority to regulate the external commerce of all the members of the Confederation for a like term of years.

If the States should hesitate at this, I am persuaded they would readily comply with the recommendations of Congress to this effect. For example, if Congress should recommend to the Legislatures of the States to lay duties, heavy duties, upon all British vessels entering into or clearing out of their ports, especially upon all vessels coming from or bound to the West India Islands, Nova Scotia, Canada, or Newfoundland, and upon all merchandizes imported from, or exported to, any ports of the British dominions, I can scarcely doubt that every Legislature would immediately comply; and by this means our own navigation would be encouraged, and the British discouraged to such a degree as to compel the British Government to enter into an equitable treaty. Nay, I cannot doubt the readiness of the States to comply with a recommendation of Congress wholly to prohibit British vessels and merchandizes.

Although I have been received here, and continue to be treated with all the distinction which is due to the rank and title you have given me, there is, nevertheless, a reserve, which convinces me that we shall have no treaty of commerce until this nation is made to feel the necessity of it. I am every day astonished at the ignorance of all ranks of people of the relation between this country and ours. *Cui bono?* they cry. To what end a treaty of commerce, when we are sure of as much American trade as we have occasion for without it? The experiment has been tried, and the Americans have found that they cannot supply themselves elsewhere. There must be *quid pro quo*. And what have the United States to give in exchange for the liberty of going in their own ships to our sugar colonies, and our colonies upon the Continent? These smart reasoners are answered. The Americans allow Britons to come in their own vessels to all their ports in the United States; and this is more than a *quid* for your *quo*. This is the true reciprocity; and while we allow you this liberty, we have a right to demand it in return. But, replies the Briton, you cannot avoid this; you have no Government; you cannot agree to prohibit our ships and goods, or to lay duties on them. Then, says the American, you give up the argument of reciprocity; you confess that you are not willing to allow us a *quid* for your *quo*, and that you are disposed to take advantage of our supposed disunion to get unequal benefits from us. But you will find yourselves disappointed in this disunion that you build so much upon. Nothing but too much good nature to you, and too high an opinion of your wisdom, has prevented the States hitherto from uniting in a reciprocal discouragement of your ships and goods; but when the Americans find themselves deceived, you will soon see them too much united for your purposes. Such have been the dialogues in conversation for a year or two, and these ignorant sophisms of the Britons will never be confuted to any effect until vigorous measures are taken by all the States in concert. Whatever measures are taken, I should recommend them to be taken upon this express proviso, to continue in force only until things shall be otherwise settled by a treaty of commerce.

I receive sometimes unexpected visits from persons, who, I suppose, are sent on purpose to say things to me, which they wish, no doubt, to have transmitted to you. Since the appearance of the resolutions of the merchants, traders, and mechanics of Boston, I have several times fallen into company with persons whose connex-

ons I knew, and who have assumed very grave faces, and inquired about the disturbances at Boston, as they call them, and given very sage hints of their fears that those proceedings would obstruct my success. A few days since my servant announced Lord Hood would be glad to see me if I was at leisure. I desired his Lordship might walk up. I was surprised that, among so many visits of ceremony, his Lordship should not be content with leaving his card. But in the year 1768, I had appeared before him, then Commodore Hood, in a special Court of Admiralty, for the trial of four sailors for killing Lieutenant Panton in defending themselves from his press gang. His Lordship took advantage of this very transient acquaintance of seventeen years' standing to make me a friendly visit. He soon began a conversation about the Boston proceedings. It is not necessary to repeat what was said, as it was of no consequence for you to know, excepting that his Lordship was very sorry to see the account of those proceedings; was very much afraid they would obstruct the return of friendship, and prove a bar to what he wished to see—a good treaty of commerce. I told his Lordship that those proceedings were prefaced with, "Whereas there is no treaty of commerce," and, as I understood them, they were not to be in force any longer than there should be no treaty of commerce. His Lordship concluded by saying, that the sooner such a treaty was made the better. I had no doubt then, and have been confirmed by others since in the opinion, that his Lordship did not come of his own head.

All parties are upon the reserve respecting American affairs. They are afraid of each other; and it is my clear opinion that it is Congress and the States, and they alone, who can enable me to do anything effectual. I may reason till I die to no purpose. It is unanimity in America in measures which shall confute the British sophisms, and make them feel, which will ever produce a fair treaty of commerce.

With great esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, September 6, 1785.

Dear Sir,

My last to you was of the 26th ultimo, in which I mentioned the dates of the letters with which you had honored me, and the receipt

of which then remained unacknowledged. None from you have since arrived.

I have now the honor of transmitting to you, herewith enclosed, copy of an act of Congress of the 18th ultimo. It contains a correspondence between the Governor of Massachusetts and Captain Stanhope, the commander of a British frigate.

The style of the Captain's letters being very reprehensible, occasioned the application to Congress, which produced the act in question; and I am persuaded that the views of Congress, in directing it to be communicated to the British Minister, will be promoted by the manner in which you will do it.

The frequent solecisms observable for some years past in the politics of the Court of London render it exceedingly difficult to divine how they will think and act under almost any given circumstances.

It is manifestly as much their interest to be well with us as for us to be well with them; and yet the gratification of resentments, occasioned by disappointment, seems to take the lead of more elevated and useful principles of action.

They expect much from the trade of America, and yet they take pains to cut off every source within their reach by which we make remittances. It is strange that they should wish us to buy, and yet be so industrious to put it out of our power to pay. Such a system must cause loss of money to their merchants, and loss of reputation to ours. I wish most sincerely that credit was at an end, and that we could purchase nothing abroad but for ready money. Our exportations would then be equally profitable; and as our importations would be diminished, we should have less to pay; domestic manufactures would then be more encouraged, and frugality and economy become more prevalent.

What impression the conduct of Captain Stanhope may make on the Minister to me appears uncertain. Certain, however, it is that mutual civility and respect must, in the nature of things, precede mutual benevolence and kindness. The manner of your reception and treatment indicates their attention to this consideration; and yet the detention of the posts, the strengthening their garrisons in our neighborhood, the encouragement said to be given to settlers in these parts, and various other circumstances, speak a language very different from that of kindness and good will.

They may hold the posts, but they will hold them as pledges of enmity; and the time must and will come when the seeds of discontent, resentment, and hatred, which such measures always sow, will produce very bitter fruit. I am well informed that some of the loyalists advise, and warmly press, the detention of posts. It is strange that men who, for ten years have done nothing but deceive, should still retain any credit. I speak of them collectively. Among them there are men of merit; but to my knowledge some of the most violent, the most bitter and implacable, and yet most in credit, are men who endeavored to play between both parties, and vibrated from side to side as the appearances of success attracted them. Nay, the very accounts of losses which many of them have presented, afford conclusive evidence of their inattention to truth and common decency. Such, however, has been the infatuation of British councils, that what was manifest to others was problematical, if not entirely dark, to them.

As to their present Minister, he has neither been long enough in administration, nor perhaps in the world, for a decided judgment to be formed either of his private or public character. He seems to possess firmness as well as abilities, and if to these be added information, and comprehensive as well as patriotic views, he may be worthy of his father. England will probably be much the better or much the worse for him.

We are anxious to receive letters from you on the subject of the posts, that in either event we may be prepared. In the one case I should think it very justifiable in Congress to take a certain step that would be longer and more sensibly felt by Britain than the independence of these States.

Mr. Arthur Lee has been elected to the vacant place at the Board of Treasury.

Governor Rutledge declines going to Holland. The affair of Longchamps is adjusted—he stays where he is.

With great respect and esteem, &c.,

JOHN JAY.

Extract from the Secret Journal, August 17, 1785.

The Delegates for the Commonwealth of Massachusetts having laid before Congress a letter of the 8th, from his Excellency the Governor of that State, together with a copy of letters from Captain

Stanhope, commander of the British frigate *Mercury*, to his Excellency James Bowdoin, Esquire, Governor of the Commonwealth of Massachusetts, and his Excellency's answers to the first two of those letters—the same were referred to the Secretary for Foreign Affairs, who reported thereon. The letters and report are as follows :

Commonwealth of Massachusetts, }
Boston, August 8, 1785. }

Gentlemen,

Whatever concerns the honor of one of the United States, does in effect, in certain cases, concern the honor of all of them.

This general observation applies to the conduct of Captain Stanhope, commander of his Britannic Majesty's frigate *Mercury*, who apprehending himself insulted, applied by his letter to me for redress. In which letter he "recommends to me to adopt such measures as may discover the ringleaders of the party that assassinated him." See letter No. 1. On receiving it, the Council being adjourned to a distant day, I sent for the only gentleman of that board in town, the Honorable Mr. Adams, with whom I consulted on the affair. In consequence of the consultation, I sent Captain Stanhope an answer the same day. The answer points out to him the only way of redress which our laws and Constitution admit, and which I myself, in like case, if I took any, must have taken. See letter No. 2.

This answer, however, did not comport with Captain Stanhope's high idea of himself, who seems to have thought that some special mode of process was due to a person of his importance.

In consequence of that idea, and after two days' consideration of the matter, he sent me a letter, which you may probably think may be justly called a very insolent one ; in which (but in his own mode of expression) he declares I gave him positive assurance of affording him and his officers protection ; that my conduct contradicted the assurance and his expectations ; that it does not satisfy him, nor does credit to myself ; that he never received a letter so insulting to his senses, and that it was an evasion of his requisition ; with a great deal more abuse, both expressed and implied. See letter No. 3.

The only part of the declaration it concerns me to notice is the part in which my conduct is said to have contradicted the assurance I had given him of protection.

This occasions a recurrence to two conversations I had with him within a few days after his arrival here ; from which time, until the

first instant, I had been, as I presumed, in the good graces of Mr. Stanhope. In one of those conversations, which were principally relative to the recovery of a favorite servant, who, he said, had deserted from him about a year before, he mentioned that he had been informed he should probably meet with some insult before his departure, and said he should rely on my protection. I told him he might depend on every protection in my power to afford him; but that in this country, as in England, the law is every man's protection, and that he would be as much entitled to it, during his stay here, as any man in the Commonwealth; and in conformity to this idea my letter to him was written.

I have here mentioned no more of the conversation than was needful to afford you some idea of the assurance he says I gave him of my protection. But, in the course of it, I told him further that he must know from his own observation that in large seaport towns, where there is a resort of all kinds of people and characters, quarrels and disturbances frequently happened; and that the seaport towns in England were remarkable for them. That he must be sensible that the new regulations of trade in England, which would finally operate to her own detriment, had disgusted the Americans in general, and had induced them to take measures to counteract those regulations; and, therefore, it was natural to expect he would hear sentiments thrown out which might not be agreeable to him; but that I had no apprehension that any insult would be offered either to him or his officers. These observations, and many more, I thought proper to make, which a man of any discernment, and of the least goodness of disposition, might have applied to his own benefit, and to the exciting and promoting good humor in the people among whom he happened to be.

As he says my conduct contradicted his expectations, it is probable he expected a proclamation should have been issued. This measure was thought of, but I did not think the occasion required it. His conduct for three days after the affront to the time of his going with his ship down to Nantasket, on the evening of the 3d instant, manifested that he was under no apprehension of any attack upon him, for during that time, he and his officers went about the town and in the country as usual, and with as much freedom as any persons whatever. Knowing that the whole of my conduct, both public and private, had been such as merited at least a decency of

behavior on his part, and sentiments very different from those expressed in his said letter, I wrote to him a short answer to it, which you will see in No. 4, to which he sent the reply contained in No. 5, justifying and repeating his insolence; and this finishes the correspondence. I have only to observe, that it is conceived the honor and dignity of this Commonwealth, and through it the honor and dignity of the United States in general, are essentially wounded by the insolence of Captain Stanhope towards the Chief Magistrate of the former; that unless it be properly resented, every British officer of every British vessel, however insignificant, will, whenever an opportunity shall offer, insult the government of every State in the Union; and that a tameness under insult must, in the estimation of all foreigners, effectually destroy the national character and importance of the United States. If, after reading the annexed copy of letters which passed between the said Stanhope and me, you should be of that opinion, you will please to lay the same before the United States in Congress assembled, that they may take such measures concerning it as their wisdom and a sense of their own honor shall dictate.

With the most perfect regard, I have the honor to be, gentlemen,
your most obedient servant,

JAMES BOWDOIN.

The Honorable Elbridge Gerry, Samuel Holten, Rufus King,
Esquires, Delegates in Congress for the Commonwealth of Massachusetts.

The letters from Captain Stanhope were, on the cover of each of them, thus superscribed: "On his Britannic Majesty's service. To his Excellency Governor Bowdoin, &c., &c., &c., Boston."

[No. 1.]

Mercury, Boston Harbor, August 1, 1785.

Sir,

I am sorry to be obliged to represent to your Excellency the continued insults and disgraceful indignities offered by hundreds in this town to me and my officers, which hitherto we have winked at, as well as the most illiberal and indecent language with which the newspapers have been filled; nor should I have troubled you now, had I not been pursued, and my life, as well as that of my officers, been endangered by the violent rage of a mob, yesterday evening,

without provocation of any sort. I trust it is needless to *recommend* to your Excellency to adopt such measures as may discover the ringleaders of the party that assassinated me, and bring them to public justice, as well as protect us from futher insult.

I have the honor to be, &c., HENRY STANHOPE.

To his Excellency Governor Bowdoin, &c., &c., &c.

[No. 2.]

Commonwealth of Massachusetts, }
Boston, August 1, 1785. }

Sir,

Your letter of this date is now before me. It is a great misfortune that the subjects or citizens of different countries which have been at enmity cannot easily recover that degree of good humor which should induce them to treat each other with proper decorum, when the Governments to which they respectively belong have entered into a treaty of amity, and sheathed the sword. But you must have observed that disturbances, arising from this source, too frequently happen, especially in populous seaport towns. If you have been insulted, and your life has been endangered in manner as you have represented to me, I must inform you that our laws afford you ample satisfaction. Foreigners are entitled to the protection of the law as well as amenable to it, equally with any citizen of the United States, while they continue within the jurisdiction of this Commonwealth. Any learned practitioner of the law, if applied to, will direct you to the mode of legal process in the obtaining a redress of injury, if you have been injured, and the judiciary courts will cause due inquiry to be made touching riotous and unlawful assemblies and their misdemeanors, and inflict legal punishment on such as by verdict of a jury may be found guilty.

I have the honor to be, sir, your most obedient humble servant,
JAMES BOWDOIN.

[No. 3.]

Mercury, Boston Harbor, August 2, 1785.*

Sir,

When I had the honor of applying to your Excellency to discountenance the disgraceful attacks made upon me and the officers

*N. B. This was sent August 3, P. M.

of his Britannic Majesty's ship *Mercury*, under my command, and to afford us your protection, it was upon your positive assurance to that effect, in their presence, I rested my hope. How much your conduct contradicts both that and my expectation, is too obvious either to satisfy me or even to do credit to yourself. For your Excellency must excuse me, when I remark that I never received a letter so insulting to my senses as your answer to my requisition of yesterday. I am, however, pleased in finding a much better disposition in the first class of inhabitants, whose assistance I am happy to acknowledge as the more acceptable after your apparent evasion from the substance of my letter; and however well informed your Excellency may believe yourself upon the laws and customs of nations in similar cases, allow me to assure you there is not one, no, not even the ally of these States, that would not most severely reprobate either the want of energy in Government, or disinclination of the Governor to correct such notorious insults to public characters, in which light only we can desire to be received.

I have the honor to be, sir, your most obedient humble servant,

HENRY STANHOPE.

To his Excellency Governor Bowdoin.

[No. 4.]

Boston, August 3, 1785, 6 o'clock, P. M.

Captain Stanhope,

Your letter bearing date the 2d instant was delivered to me by your lieutenant, Mr. Nash, at four o'clock this afternoon. I hereby let you know, that as the letter is conceived in terms of insolence and abuse altogether unprovoked, I shall take such measures concerning it as the dignity of my station and a just regard to the honor of this Commonwealth, connected with the honor of the United States in general, shall require.

JAMES BOWDOIN.

[No. 5.]

Mercury, Nantasket Road, August 3, 1785, }
at half-past 12, A. M.* }

Sir,

I am to acknowledge the honor of your Excellency's letter, this moment received; and have to assure you that I shall most cheer-

* It should have been August 4.

fully submit to the worst consequences that can arise from our correspondence, which I do not conceive on my part to have been couched in terms of either insolence or abuse, which is more than I can venture to say of yours. And however exalted your Excellency's station is, I know not of any more respectable than that I have the honor to fill.

I have the honor to be, sir, your very humble servant,

HENRY STANHOPE.

To his Excellency Governor Bowdoin, &c., &c., &c.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 8th instant from his Excellency the Governor of Massachusetts to the Delegates of that Commonwealth in Congress, reports:

That in his opinion the answer of the Governor to Captain Stanhope's first letter was perfectly proper; that the Captain's reply was highly disrespectful; and being so, that such measures might have been adopted as the laws prescribe for asserting the dignity of Government in such cases.

He is further of opinion that two things are essential to the respectability of Government: 1. That it should be always in the right; and 2. That it should never be opposed or ill-treated with impunity.

To these ends its own internal power (in such cases as the present) is, or ought to be adequate, and, therefore, a recurrence to a foreign sovereign to resent and punish affronts to such Government, committed under its eye and within its jurisdiction, appears to your Secretary a departure from that self-respect, which on such occasions should invariably be observed, except indeed where such indignities are offered by Ambassadors.

If these principles are well founded, then it will follow as a necessary consequence that no *complaint* or application for *redress* should be made by Congress to his Britannic Majesty on the subject in question.

But as America and Britain are at peace, and in that sense friends, it is to be presumed that disrespect to one from officers of the other must be offensive to the sovereign of such officers; inasmuch as such conduct tends to irritate and alienate the good will of the other.

Under this view of the matter, your Secretary thinks it would be proper to transmit these papers to the Minister of the United States at the Court of London, and to instruct him to communicate them to the British Minister, and to assure him,

1. That nothing but a desire to avoid increasing the irritation, which the late war may have produced in the two nations, could have restrained the Governor from resenting the indecent conduct of Captain Stanhope, in a severe and exemplary manner.

2. To assure him that Congress are persuaded that such behavior must give no less displeasure to his Majesty than it does to them; and that as all sovereigns must, in a certain degree, be affected by the conduct of their servants, Congress think that the justice due to his Majesty calls upon them to lay this information before him.

3. That Congress flatter themselves that this instance of delicacy and moderation will be ascribed to its proper motives, and be considered as evincive of a desire to prevent animosity, and promote mutual good will.

Your Secretary also thinks it would be proper to transmit a copy of this report to the Governor of Massachusetts, and to assure him that Congress consider the dignity of each of the States as inseparably connected with that of the Union; and, therefore, that it shall on every occasion experience their care and attention.

Resolved, That Congress agree to the said report.

Ordered, That a copy of this report, together with the foregoing letters, be transmitted to the Executives of the several States.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, July 19, 1785.

Dear Sir,

Give me leave to propose for your consideration, and to request you to submit to the decision of Congress, whether it would not be proper that some measures should be taken to furnish your Ministers abroad with the laws of the several States, and more especially with such laws as may have a relation to external commerce, or any other foreign affair.

Information of this kind will be wanted at every Court, but more particularly here, and at this critical period. Our fellow-citizens

here, from all the States, have been very civil to me in furnishing me with all the lights in their power; and this will ever be the case, it is to be hoped, wherever you have a Minister. Yet all the lights which individuals abroad can furnish will be imperfect, though ever so carefully collected by a Minister, without the continual assistance of Congress and the States. I have been lately obliged to a fellow-citizen (Captain C. Miller) for the laws of New York of the second meeting of the eighth session of the Legislature, amongst which, to my great satisfaction, I find the United States, in Congress assembled, vested, for fifteen years, with powers to prohibit any goods, wares, or merchandize from being imported into, or exported from, any of the United States, in vessels belonging to, or navigated by, the subjects of any Power with whom the * * * * States shall not have formed treaties of commerce; and also with powers of prohibiting the subjects of any foreign State, Kingdom, or Empire (unless authorized by treaty) from importing into the United States any goods, wares, or merchandize which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

I read this act with pleasure, because it is very nearly all that is wanting. The Legislature of New York have avoided giving to the United States the power of imposing, equalizing, or retaliating duties; and I cannot say that they are not right in this, although it is very probable such duties will be indispensable. Such duties, if laid by any State, should be laid by all; and if the States will, in such cases, respect the recommendations of Congress, this may be sufficient. If we enter into treaty with England, how shall we manage this subject? Shall we stipulate that Britain shall pay in our ports no higher duties than the most favored nations shall pay, in return for her stipulating that Americans shall pay in her ports no higher duties than the most favored nation pays? This would be unequal, because the most favored nation pays in British ports much greater imposts than the nation the most favored by the United States pays in our ports. If we enter into such stipulation, the consequence will be, that, in order to form an equality, we must impose enormous duties, not only upon British subjects, but upon all other nations. For example, the most favored nation pays in England upon oil, eighteen pounds three shillings sterling per ton. If we attempt to equalize and retaliate, we must lay on the amount of this upon the importation of goods

from all other nations—a measure that may be very inconvenient to us. Should we not then endeavor to obtain a stipulation that Americans shall pay in British ports no higher duties than British subjects? No doubt, to obtain this, we must stipulate that Britons shall pay in our ports no higher duties than our citizens; and even this will be unequal, because that duties in general are higher in England than in America. This, however, cannot be avoided, and as it is our felicity, we have less cause to repine at it. But if the British Ministry should refuse to go further than the mutual privilege of the most favored nation, we shall have no remedy but in equalizing duties, which it will be absolutely necessary to lay on, in order to do ourselves justice. This cannot be done but by a concert of all the States. If such a concert can be effected by recommendations of Congress, so much the better. If it cannot, I see no other remedy but to give Congress the power.

This nation relies upon it that our States can never accomplish such a concert, either by giving Congress the power, or by complying with their recommendations. Proofs of this are innumerable. Lord Sheffield's writings; the constant strain of all the writings in the newspapers; the language of conversation; the report of the Committee of Council; but, above all, the system adopted by the Duke of Portland's administration, and uniformly pursued by him and his successor, Mr. Pitt, are a demonstration of it; for although many express a contempt of the American commerce, (and I am sorry to say that even Lord Camden has lately said, that while they had a monopoly of the American trade, it was a valuable thing but now they had not, thought very little of it.) Yet those of the Ministry and nations who understood any thing of the subject, know better, and build all their hopes and schemes upon the supposition of such divisions in America as will forever prevent a combination of the States, either in prohibitions or retaliating duties. It is true that the national pride is much inflated at present, by the course of exchange, which is much in their favor, with all parts of the world and disposes them to think little of American commerce. They say that the progress of the fine arts in this kingdom has given to their manufactures a taste and skill, and to their productions an elegance cheapness, and utility so superior to any others, that the demand for their merchandizes from all parts of Europe is greater than ever that even Lord North's prohibiting bill has contributed to thi

advantage, by occasioning a demand amongst foreigners during the war, for goods to supply America. The knowledge and taste for British manufactures, they say, has been, by this means, spread all over Europe, and the demand for them multiplied, which has turned the balance so much in their favor, and caused such an extraordinary influx both of cash and bills of exchange into these kingdoms. Those who reflect more maturely upon this, however, see that this advantage is but temporary, (if it is one;) they say that the long stagnation of business by the war had filled the country with manufactures; that upon the peace, extraordinary efforts were made to dispose of them, by sending factors abroad, not only to America, but to all parts of Europe; that these factors have not only sold their goods at a low price, but have sent home cash and bills at a high one, so that their own factors have turned their course of exchange in their favor (in appearance, and for the present moment only) at their expense, for the loss, both upon the sale of goods and the purchase of remittances, is theirs; if these conjectures are right, the present appearance of prosperity will be succeeded by numerous failures and great distress. Be this as it may, the present appearance has produced a self-sufficiency which will prevent, for some time, any reasonable arrangement with us. The popular pulse seems to beat high against America.

The people are deceived by numberless falsehoods, industriously circulated by the gazettes and in conversation, so that there is too much reason to believe that if this nation had another hundred million to spend, they would soon force the Ministry into a war against us. The Court itself, whatever may be thought of it, appears at present to be the principal barrier against a war, and the best disposed towards us, but whether they are restrained by any thing beside their own poverty may be justly questioned. Their present system, as far as I can penetrate it, is to maintain a determined peace with all Europe, in order that they may war singly against America, if they should think it necessary.

Their attachment to their navigation act, as well as that of all other parties here, is grown so strong, and their determination to consider us as foreigners, and to undermine our navigation, and to draw away our seamen, is so fixed in order to prevent us from privateering in case of a war, that I despair of any equal treaty, and therefore of any treaty, until they shall be made to feel the

necessity of it. It cannot, therefore, be too earnestly recommended to all the States to concur with the State of New York in giving to Congress full power to make treaties of commerce, and, in short, to govern all our external commerce; for I really believe it must come to that; whether prohibitions or high duties will be most politic is a great question. Duties may be laid which will give a clear advantage to our navigation and seamen, and these would be laid by the States upon the recommendations of Congress, no doubt, as soon as the principle is admitted that it is necessary that our foreign commerce should be under one direction. You will easily infer from all this that I have no hopes of a treaty before next spring; nor then, without the most unanimous concurrence of all our States in vigorous measures, which shall put out of all doubt their power and their will to retaliate.

With great esteem, I am, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, July 29, 1785.

Sir,

I have the honor to enclose a copy of a letter to the Marquis of Caermarthen, of the 14th July, (another of the 27th,) with a project of a declaration concerning the construction of an armistice; and another of this date, with a project of a treaty of commerce. It is high time something should be done to turn the attention of the Administration to the relation between this country and the United States; and it seemed most advisable to lay the project of a treaty directly before the Ministry, rather than first negotiate the appointment of any other Minister to treat with me than the Marquis of Caermarthen himself. If I had first proposed the appointment of a Minister, they would have procrastinated the business for six months and perhaps twelve, before I could have communicated anything to them; now they can have no excuse. The offer is made, and here after they may repent of their error if they do not accept it, or something nearly like it immediately. I am very sensible it will greatly embarrass the Administration, because most of them, I believe are sensible that some such treaty must be one day agreed to, and that it would be wise to agree to it now; but they are afraid c

oppositions from many quarters. I must not, however, disguise my real sentiments. The present Ministry are too much under the influence of Chalmers and Smith, and others of that stamp, and have been artfully drawn into so many manifestations of a determination to maintain their navigation laws relative to the United States, and of a jealousy of our naval powers, small as it is, that I fear they have committed themselves too far to recede. Their Newfoundland act, as well as their proclamations, and the fourth of their Irish propositions, are in this style. I have no expectation that the proposed treaty will be soon agreed to, nor that I shall have any counter project, or indeed any answer for a long time. It is very apparent that we shall never have a satisfactory arrangement with this country until Congress shall be made, by the States, supreme in matters of foreign commerce, and treaties of commerce, and until Congress shall have exerted that supremacy with a decent firmness.

I am, with great esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, July 14, 1785.

My Lord,

The twenty-second article of the preliminary treaty of peace between Great Britain and France, signed on the 20th of January, 1783, is in these words, viz: "In order to prevent all causes of complaint and dispute which may arise on account of prizes that may be taken at sea, after the signing of these preliminary articles, it is reciprocally agreed, that the vessels and effects which may be taken in the channel and in the north seas, after the space of twelve days, to be computed from the ratification of those preliminary articles, shall be restored on each side. *That the term shall be one month from the channel and the north seas, as far as the Canary Islands*, inclusively, whether in the ocean or in the Mediterranean; two months from the said Canary Islands, as far as the said equinoctial line or equator; and, lastly, five months in all other parts of the world, without any exception or any other distinction more particular of time and place."

In the preliminary articles of peace between Great Britain and Spain, a cessation of hostilities was stipulated in the same manner.

On the same twentieth of January, it was agreed between the Minister Plenipotentiary of his Britannic Majesty on the one part, and the Ministers Plenipotentiary of the United States of America on the other, that the subjects, citizens, and possessions of both Powers should be comprised in the suspension of arms abovementioned, and that they should consequently enjoy the benefits of the cessation of hostilities at the same periods, and in the same manner, as the three crowns aforesaid, and their subjects and possessions respectively. It appears, however, that many vessels which were taken after the expiration of one month from the 3d of February, 1783, the day of the ratification of the said preliminary articles, within that part of the ocean which lies between the channel and north seas and the Canary Islands, have not been restored; but, on the contrary, in some instances, such vessels have been condemned as lawful prizes upon an opinion that the words "as far as," said to be used in the preliminary articles, meant the distance from Paris to the southernmost parts of the Canaries.

It must be obvious to your Lordship, that this construction is extremely foreign from the intention of the contracting parties, who never had Paris in contemplation as a boundary of the region of one month, nor as any limit of a measure of distance. The channel and north seas being expressly marked as the northern boundary, and the southernmost Canary as the southern, and every part of the ocean from the channel and north seas up to the Canary Islands, inclusively, is comprehended.

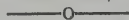
Indeed, the words "as far as" are scarcely a proper translation of the words "*jusqu'aux*" in the article of treaty. The original words are "*depuis la manche et les mers du nord jusqu'aux Isles Canaries,*" and not "*depuis Paris jusqu'aux Isle,*" &c., &c.

The intention of the contracting parties is so clear, and their expression so plain, that it is not easy to account for the misinterpretation of them; but as many law-suits are depending upon the point, and several Americans are now in London waiting the decision of them, I do myself the honor to propose to your Lordship a particular convention to determine all those controversies on both sides, by inserting the words "*jusqu'à la latitude des Isles Canaries,*" instead of "*jusqu'aux Isles Canaries,*" and also the words "*depuis la latitude des dites Isles Canaries,*" instead of "*des dites Isles Canaries,*" it being apparent from the mention of Mediterranean,

as in the same stage of one month between the channel and north seas on the north, and the Canaries on the south, and the equinoctial line as the next stage, that the line of latitude of the southern Canary was intended.

I have the honor to be, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, July 27, 1785.

My Lord,

Since the letter which I did myself the honor to write to your Lordship, relative to the construction of the armistice, I have received further information from America, which I beg leave to communicate to your Lordship.

The first judgment rendered on a mistaken interpretation of the armistice appears to have been at New York, where all American vessels taken within the second month were condemned as lawful prize by the Judge of the Admiralty. The fame of these decrees having reached Connecticut and Rhode Island, it is said that similar decrees were rendered by the inferior Courts of Admiralty there against British vessels. There is, my Lord, a Court of Admiralty in each of the United States, but by our Constitution an appeal lies from all of them to a court appointed by the United States in Congress assembled, for receiving and determining finally appeals in all cases of capture.

If the parties interested in the decrees in Connecticut and Rhode Island had appealed to the Supreme Court, those decrees would certainly have been reversed; because every cause which ever came before that court upon the point in question has been decided in favor of the British owner of the vessel; and should a declaration be now made of the true intention of the contracting parties, the British owners, against whom the decrees were rendered in Connecticut and Rhode Island, may still appeal and have justice, if the time limited is not passed; if it is, by an application to the Legislatures of those States, there is no doubt to be made that an appeal would be granted under the present circumstances, notwithstanding the lapse of time.

The decisions in the Court of Admiralty of Massachusetts and all other States have been conformable to the judgment of the Supreme

Court of Appeals; that is to say, conformable to the true intention of the armistice; and it is with pleasure that I add, the judgments of his Majesty's Court of Admiralty at Halifax have been the same way.

The words of the armistice are supposed to be the same which have been constantly used in every treaty of peace for the last hundred years, and it is not known that there ever was before any doubt or difference of opinion concerning the construction of them. In order to establish confidence between the two countries, my Lord, it is necessary there should be mutual confidence in each other's tribunals of justice, which can hardly exist while such various interpretations are given of so plain a point by different courts in each nation.

In order to settle all disputes upon this subject upon one principle, I have the honor to propose to your Lordship that a declaration should be made in the form enclosed, or to the same effect in any other form which to your Lordship may appear more proper.

With great respect, &c.,

JOHN ADAMS.

DECLARATION.

Whereas, by the first article of the Preliminary Treaty of Peace between the Crown of Great Britain and the Crown of France, signed at Versailles, on the twentieth of January, 1783, it was stipulated in these words, viz:

“As soon as the preliminaries shall be signed and ratified, sincere friendship shall be reestablished between his most Christian Majesty and his Britannic Majesty, their Kingdoms, States, and subjects, by sea and by land, in all parts of the world. Orders shall be sent to the armies and squadrons, as well as to the subjects of the two Powers, to stop all hostilities, and to live in the most perfect union; to forget the past, their sovereigns showing the example, and for the execution of this article sea-passes shall be given on each side for the ships which shall be dispatched to carry the news of it to the possessions of the said Powers.”

And by the 22d article of the same treaty it was stipulated in these words:

“In order to prevent all causes of complaint and dispute which may arise on account of prizes that may be taken at sea after the

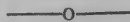
‘signing of these preliminary articles, it is reciprocally agreed that
 ‘the vessels and effects which may be taken in the channel and in
 ‘the north seas, after the space of twelve days, to be computed from
 ‘the ratification of these preliminary articles, shall be restored on
 ‘each side; *that the term shall be one month from the channel and*
 ‘*the north seas, as far as the Canary Islands*, inclusively, whether
 ‘in the ocean or in the Mediterranean; two months from the said
 ‘Canary Islands, as far as the said equinoctial line or equator; and,
 ‘lastly, five months in all other parts of the world, without any
 ‘exception or any other distinction, more particular, of time and
 ‘place.”

And whereas, on the said twentieth day of January, 1783, it was agreed, and by instruments signed by the Minister Plenipotentiary of his Britannic Majesty, in behalf of his Majesty, on one part, and by the Minister Plenipotentiary of the United States of America, in behalf of the said United States, on the other, it was mutually declared, that the said United States of North America, their subjects, and their possessions, and his Britannic Majesty, his subjects and possessions, should be comprised in the suspension of arms abovementioned, and that they should consequently enjoy the benefit of the cessation of hostilities at the same periods, and in the same manner, as the Crowns aforesaid, and their subjects and possessions respectively; and whereas, a doubt has arisen, and a question has been made, concerning the sense and intention of the high contracting parties, by the words, “*d’un mois depuis la manche et les mers du nord jusqu’aux Isles Canaries, inclusivement,*” and by the words, “*de deux mois depuis les dites Isles Canaries jusqu’à la ligne equinoxiale.*”

Now, in order to remove all such doubts and questions, and to the end that the same rule of justice may take place in all the courts of justice in both nations, it is hereby agreed and declared, by _____, in the name and behalf of his Majesty the King of Great Britain, and _____, Minister Plenipotentiary of the United States of America to the Court of Great Britain, on the other, in the name and behalf of the said United States, that the line of latitude of the southernmost Canary Island was intended by the said contracting parties, and that the armistice aforesaid ought to be every where understood and construed in the same manner as if the words had been, “from the channel and the north seas to the

latitude of the Canary Islands, inclusively," and "from the latitude of the said Canary Islands to the equinoctial line;" and that all judgments and decrees of courts of justice of either of the parties to this declaration, rendered upon any different construction of the armistice aforesaid, ought to be reversed.

Done at Westminster, the



FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, July 29, 1785.

My Lord,

The course of commerce since the peace between Great Britain and the United States of America has been such as to have produced many inconveniences to the persons concerned in it on both sides, which become every day more and more sensible. The zeal of Americans to make remittances to British merchants has been such as to raise the interest of money to double its usual standard, to increase the price of bills of exchange to eight or ten per centum above par, and to advance the price of the produce of the country to almost double the usual rate. Large sums of the circulating cash, and as much produce as could be purchased, at almost any rate, have been remitted to England; but much of this produce lies in store here, because it will not fetch, by reason of the duties and restrictions on it, the price given for it in America. No political arrangements having been made, both the British and American merchants expected that the trade would have returned to its old channels, and nearly under the same regulations, found by long experience to be beneficial. But they have been disappointed; the former have made advances, and the latter contracted debts, both depending upon remittances in the usual articles and upon the ancient terms. But both have found themselves mistaken; and it is much to be feared that the consequences will be numerous failures. Cash and bills have been chiefly remitted. Neither rice, tobacco, pitch, tar, turpentine, ships, oil, nor many other articles, the great sources of remittances formerly, can now be sent as heretofore, because of restrictions and imposts, which are new in this commerce and destructive of it; and the trade with the British West India Islands, formerly a vast source of remittance, is at present obstructed.

These evils, my Lord, as far as they merely affect the United States, should not be offered to your Lordship's consideration. They are proper subjects for the deliberations of Congress and the Legislatures of the several States; but as far as they affect the merchants and manufacturers of Great Britain and Ireland, and as far as they affect the general system of commerce, revenue, and policy of the British Empire, your Lordship will undoubtedly give them their due weight. There is a literal impossibility, my Lord, that the commerce between the two countries can continue long to the advantage of either upon the present footing. The evils already experienced will be much increased and more severely felt, if the causes of them are permitted much longer to operate. It is the desire of the citizens of the United States to cultivate the most friendly intercourse with the King's subjects, and it will be with regret that they shall see the necessity of searching for other resources as substitutes for British commerce, either in other countries or in manufactures at home. Whether it is not putting at hazard too material an interest to risk an alienation from these Kingdoms of the American commerce, or any considerable part of it, for the sake of the advantages that can be obtained by the present restrictions on it, is a question which must be submitted to your Lordship's consideration.

In order to bring this subject, so momentous to both countries, under a candid discussion, I do myself the honor to enclose to your Lordship, and to propose to the consideration of his Majesty's Ministers, a project of a fair and equitable treaty of commerce between his Majesty and the United States of America, prepared in conformity to the instructions of Congress, and submit it entirely to your Lordship to decide whether the negotiation shall be conducted with your Lordship, or with any other person, to be invested with powers equal to mine, to be appointed for the purpose.

With great respect, &c.,

JOHN ADAMS,

Minister Plenipotentiary from the United States

of America to the Court of Great Britain.

Draft of a Treaty of Amity and Commerce between his Britannic Majesty and the United States of America.

The parties being willing to fix, in a permanent and equitable manner, the rules to be observed in the commerce they desire to

establish between their respective countries, have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement. On these principles, after mature deliberation, they have agreed to the following articles :

ARTICLE I. There shall be a firm, inviolable, and universal peace and sincere friendship between his Britannic Majesty, his heirs, successors, and subjects on the one part, and the United States of America and their citizens on the other, without exception of persons or places.

ARTICLE II. The subjects of his Britannic Majesty may frequent all the coasts and countries of the United States, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay within the said United States of America no other or greater duties, charges, or fees whatsoever than the *citizens of the United States themselves* are or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce which the *citizens of the said United States themselves do or shall enjoy*.

ARTICLE III. In like manner the citizens of the United States of America may frequent all the coasts and countries of his Britannic Majesty, and reside and trade there in all sorts of produce, manufactures, and merchandize, and shall pay in the dominions of his said Majesty no other or greater duties, charges, or fees whatsoever than the natural born subjects of Great Britain themselves are or shall be obliged to pay, and they shall enjoy all the rights, privileges, and exemptions in navigation and commerce, which the natural born subjects of Great Britain do or shall enjoy.

ARTICLE IV. More especially, each party shall have a right to carry any kinds of produce, manufactures, and merchandize of whatever place they be the growth or manufacture, in their own or any other vessel, to any ports or dominions of the other, where it shall be lawful for all persons freely to purchase them, and thence to take produce, manufactures, and merchandize of whatever place or growth, which all persons shall, in like manner, be free to sell them, paying in both cases such duties, charges, and fees only as are or shall be paid by the natural born subjects or citizens; nevertheless, each party reserves to itself the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the

growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the exportation or importation of any species of goods or commodities whatsoever, when reasons of State shall require it. In this case the subjects or citizens of either of the contracting parties shall not import nor export the merchandize prohibited by the other; but if one of the contracting parties permits any person of their own or any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty.

ARTICLE V. All merchants, commanders of vessels, and other subjects and citizens of each party, shall have free liberty, in all places within the dominion or jurisdiction of the other, to manage their own business themselves, or to employ whomsoever they please to manage the whole, or any part thereof for them; and shall not be obliged to make use of any interpreter, broker, or other person whatsoever, nor to pay them any salary or fees, unless they choose to make use of them; moreover, they shall not be obliged in loading or unloading their vessels to make use of those workmen who may be appointed by public authority for that purpose, but it shall be entirely free for them to load or unload them by themselves, or to make use of such persons in loading or unloading them as they shall think fit, without paying any fees or salary to any other whomsoever; neither shall they be forced to unload any sort of merchandize into any other vessels, or to receive them into their own, or to wait for their being loaded longer than they please.

ARTICLE VI. That the vessels of either party loading within the ports or jurisdiction of the other may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is. But no other person shall be molested, nor shall any goods nor the vessel be seized or detained for that cause.

ARTICLE VII. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects belonging

to the citizens or subjects of the other which shall be within the extent of their jurisdiction, by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owner their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

ARTICLE VIII. The vessels of the subjects or citizens of either party coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and pursue their voyage without molestation, and without being obliged to pay any duties, charges, or fees whatsoever, or to render any account of their cargo.

ARTICLE IX. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unloaded, they shall pay no duties, charges, or fees on the part which they shall relade and carry away.

The ancient and barbarous right to wrecks of the sea shall be entirely abolished with respect to the subjects or citizens of the two contracting parties.

ARTICLE X. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other by testament, donation, or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*; and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases; and in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them; and if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the

laws and judges of the land wherein the said goods are, and where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation.

ARTICLE XI. The most perfect freedom of conscience and of worship is granted to the citizens or subjects of either party within the jurisdiction of the other, without being liable to molestation in that respect for any cause other than an insult on the religion of others; moreover, when the subjects or citizens of the one party shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violence or disturbance.

ARTICLE XII. If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent Powers, shall not be interrupted; on the contrary, in that case, as in full peace, the vessels of the neutral Power may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other, and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers or public characters in actual service of such enemy; on the other hand, enemy vessels shall make enemy goods, insomuch that whatever shall be found in the vessels of an enemy shall be confiscated without distinction, except such goods and merchandize as were put on board such vessels before the declaration of war, or within six months after it, which shall be free.

ARTICLE XIII. And in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstanding that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition, and military stores of every kind, no such articles, carried in the vessels or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband so as to induce

confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels, and to make them unlade such articles in the nearest port, putting them under safe keeping, or to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceedings, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; or it shall be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case of a vessel so stopped for articles heretofore deemed contraband, if the master will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not, in that case, be carried into any port, nor further detained, but shall be allowed to proceed on her voyage; nor shall any such articles be subject to be taken or delayed in any case, if they be not in greater quantity than may be necessary for the use of the ship, or of the persons in it.

ARTICLE XIV. And in the same case where one of the parties is engaged in war with another Power, that the vessels of the neutral party may be readily and certainly known, it is agreed that they shall be provided with sea-letters or passports, which shall express the name, the property, and burthen of the vessel, as also the name and dwelling of the master; which passports shall be made out in good and due forms, to be settled by convention between the parties whenever occasion shall require, shall be renewed as often as the vessel shall return into port, and shall be exhibited whenever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

ARTICLE XV. And to prevent entirely all disorder and violence in such cases, it is stipulated that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon-shot of the said neutral vessel, nor send more than two or three men in their boat on board the same to examine

er sea-letters or passports, and all persons belonging to any vessel of war, public or private, who shall molest or injure, in any manner whatever, the people, vessel, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

ARTICLE XVI. It is agreed that the subjects or citizens of each of the contracting parties, their vessels, and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatsoever; and in all cases of seizure, detention, or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

ARTICLE XVII. If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof.

ARTICLE XVIII. If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accident, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation for the repair of their vessels.

ARTICLE XIX. The vessels of war, public and private of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process when they come to, or enter the ports of the other party; but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officers of such vessels shall be obliged to show; but no vessel which shall have made prizes on the subjects of his most

Christian Majesty the King of France, shall have a right of asylum in the ports or havens of the United States, and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian Majesty and the said United States.

ARTICLE XX. No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other to aid them offensively or defensively against that other.

ARTICLE XXI. If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them:

1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptors.

2d. If, in the same case, the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than twenty-four hours, and one tenth of the said value where she shall have been longer; which sums shall be distributed in gratuities to the recaptors.

3d. The restitution, in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled.

4th. The vessels of war, public and private, of the two parties shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there until the legality shall have been decided, according to the laws and regulations of the States to which the captor belonged.

5th. It shall be free to each party to make such regulations as they judge necessary for the conduct of their respective vessels or

war, public or private, relative to the vessels which they shall take and carry into the ports of the two parties.

ARTICLE XXII. Where the parties shall have a common enemy, they shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

ARTICLE XXIII. If a war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months, to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all women and children, artisans, scholars of every faculty, cultivators of the earth, manufacturers, and fishermen, unarmed, and inhabiting unfortified towns, villages, or places, whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, nor to whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and trading vessels employed in exchanging the products of different places, and thereby rendering the necessities, conveniences, and comforts of human life more easy to be obtained and more general, shall be allowed to pass free and unmolested; and neither of the contracting parties shall grant or issue any commission to any private-armed vessels, empowering them to take or destroy such trading vessels or interrupt such commerce.

ARTICLE XXIV. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that they neither will send the prisoners whom they may take from the other into the East Indies, nor any other parts of Asia, nor Africa, but they shall be placed in some part of their dominions in Europe or America, in

wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality, as are allowed by them either in kind or by commutation to officers of equal rank in their own army, and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service, the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, nor the balances due on them be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports, in open letters, to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatsoever, shall be considered as annulling or suspending this and the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the laws of nature or nations.

ARTICLE XXV. The two contracting parties grant to each other the liberty of having, each in the ports of the other, Consuls, Vice Consuls, Agents, and Commissaries, of their own appointment, whose

functions shall be regulated by particular agreement, whenever either party shall choose to make such appointment; but if any such Consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

ARTICLE XXVI. If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the compensation where such nation does the same.

ARTICLE XXVII. His Britannic Majesty and the United States of America agree that this treaty shall be in force during the term of years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such war, shall continue in force until the conclusion of the treaty which shall reestablish peace, and that this treaty shall be ratified on both sides, and the ratification exchanged within one year from the day of its signature.

Office for Foreign Affairs, February 2, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the draft of a Treaty of Amity and Commerce between his Britannic Majesty and the said States, which was transmitted by Mr. Adams, together with his letters that accompanied it, reports—

That, in his opinion, the United States may safely enter into treaty with Britain, on the terms and agreeable to the tenor of said draft; and therefore that it should be

Resolved, That Congress approve of the said draft, and that in the blank left for the term of the duration of the Treaty be inserted twenty years.

Your Secretary thinks it would be expedient to refer the letters abovementioned to the same Committee to whom other letters from Mr. Adams were yesterday committed.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, August 3, 1785.

Dear Sir,

I have the honor of transmitting to you, herewith enclosed, a copy of a letter from J. Carter to the Honorable D. Howell, Esq., of 19th April, 1785, and also a copy of my report on that letter, which, having been approved by Congress, was referred to me to take order.

These papers respect the detention of Americans captured during the war; and I am persuaded that nothing on your part will be wanting to restore those brave men to the enjoyment of liberty and their country, who have done and suffered so much for both.

With great esteem, &c.,

JOHN JAY.

Report of John Jay relative to American Prisoners.

Office for Foreign Affairs, June 9, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from John Carter to the Honorable David Howell, Esq., of the 19th April last, respecting Mr. Richard Low and other Americans, who, having been made prisoners by the British during the late war, are not yet released, reports:

That, in his opinion, a copy of the said letter should be transmitted to the Minister Plenipotentiary of the United States at the Court of London, with instructions to lay the same before the Minister, and to demand that orders be immediately given for the release and discharge of all such American soldiers, seamen, and citizens as having been captured during the late war, and may yet be detained in his Britannic Majesty's prisons, garrisons, armies, or ships.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN CARTER TO DAVID HOWELL.

Providence, April 19, 1785.

Dear Sir,

The effects of the late war are still severely felt by individuals, as well as by the States at large, and there is reason to believe that many of our citizens are still detained on board his Britannic

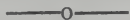
Majesty's ships of war. Humanity, as well as policy, dictates that a demand should be made of them that they may be restored to their country and connexions.

Colonel John Low, of Warwick, has requested me to write you particularly in behalf of his son, Mr. Richard Low, who in the year 1776 was captured in an unarmed merchant sloop by the *Niger* frigate, and immediately put to duty on board her. The *Niger* afterwards conveyed a fleet from New York to England, and from thence sailed for the Jamaica station, where she remained about three years. Mr. Low was then turned on board another ship, and sailed a second time for England, where, on his arrival, he was drafted with a number of other Americans, and put on board the *Defence*, of seventy-four guns. The *Defence* soon after sailed for the East Indies; and Colonel Low has lately received a letter from his son, dated at Bombay, in January, 1784. He informs that the ship was to sail for England in October, and would probably arrive in the present month of April.

He has ever earnestly wished to be permitted to return to his country and friends; and Colonel Low entreats that, in the next public despatches for Europe, his son's case may be stated to the American Minister or Commissioner, that the proper steps may be pursued to obtain his release, after so long and so painful a captivity.

I am, dear, sir, &c.,

JOHN CARTER.



FROM JOHN JAY TO JOHN ADAMS.

New York, October 14, 1785.

Dear Sir,

Since the date of my last to you, which was the 6th September last, I have been honored with yours of the 10th and 26th June, and 19th and 29th July, with the papers mentioned to be enclosed. They are now before Congress; and I am persuaded that the strong marks they bear of industry and attention will give them pleasure.

I perfectly concur with you in sentiment respecting what ought to be the conduct and policy of the United States; and I am not without hopes that they will gradually perceive and pursue their true interests. There certainly is much temper as well as talents in Congress; and although it is not in their power to do all that should

be done, yet they are willing and industrious to do whatever depend upon them.

Your letters, I am sure, are useful; they disseminate and enforce those federal ideas which cannot be too forcibly inculcated or too strongly impressed. Our Federal Government is incompetent to its objects; and as it is the interests of our country, so it is the duty of her leading characters to coöperate in measures for enlarging and invigorating it. The rage for separations and new States is mischievous; it will, unless checked, scatter our resources, and in every view enfeeble the Union. Your testimony against such licentious anarchical proceedings would, I am persuaded, have great weight.

Your letters, as yet, are silent respecting the evacuation of our frontier posts. I do not mean to press you either to do or say any thing *unseasonably* about it, for there are times and tides in human affairs to be watched and observed. I know your attention, and therefore rest satisfied that we shall here from you on this interesting subject as soon as you ought to write about it. During the ensuing sessions of the Legislatures, I shall watch their acts, and endeavor to send you such as may respect the interests of the Union. I find it extremely difficult to collect them. When I first came into this office, I wrote a circular letter to the Governors, requesting them among other things, to send me, from time to time, printed copies of their acts; but whatever may have been the cause, it has so happened that, except in two or three instances, this request has been entirely neglected.

With the newspapers herewith sent you will find the requisitions of Congress. What its success will be cannot yet be determined.

The Algerines, it seems, have declared war against us. If we act properly, I shall not be very sorry for it. In my opinion, it may lay the foundation for a navy, and tend to draw us more closely into a federal system. On that ground only we want strength, and could our people be brought to see it in that light, and act accordingly, we should have little reason to apprehend danger from any quarter. Monsieur de Marbois has left us, and is gone to St. Domingo, where he has an intendency. Mr. Otto succeeds him, and appears well disposed.

As yet, your place at the Hague is vacant. Several gentlemen are in nomination, among whom I hear are Mr. Izard and Mr. Madison.

Dr. Franklin is happy at Philadelphia. Both parties are assiduous in their attentions to him, and it is thought more than probable he will succeed Mr. Dickinson. I fear, in the language of our farmers, that a day so remarkably fine for the season may prove a weather breeder; that is, that he will find it difficult to manage both parties, for, if he gives himself up to one, he must expect hostility from the other. I wish he may be able to reconcile them, and thereby restore that State to the degree of strength and respectability which, from its population, fertility, and commerce, it ought to possess.

I congratulate you on the issue of your discussions with their High Mightinesses. Mr. Dumas gave us an account of it, and we are all pleased to find that it terminated as it did.

With great and sincere esteem, &c.,

JOHN JAY.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 6, 1785.

Dear Sir,

I find the spirit of the times very different from that which you and I saw when we were here together, in the months of November and December, 1783.

Then, the commerce of the United States had not fully returned to these Kingdoms; then the nation had not digested its system, nor determined to adhere so closely to its navigation acts relatively to the United States; then it was common in conversation to hear a respect and regard for America professed and even boasted of.

Now, the boast is that our commerce has returned to its old channels, and that it can follow in no other; now the utmost contempt of our commerce is freely expressed in pamphlets, gazettes, coffee-houses, and in common street talk. I wish I could not add to this the discourses of Cabinet Counsellors and Ministers of State, as well as members of both Houses of Parliament.

The national judgment and popular voice is so decided in favor of the navigation acts, that neither administration nor opposition dare avow a thought of relaxing them further than has been already done.

This decided cast has been given to the public opinion and the national councils by two facts, or rather presumptions: The first is,

that, in all events, this country is sure of the American commerce. Even in case of war, they think that British manufactures will find their way to the United States, through France, Holland, the Austrian Low Countries, Spain, Portugal, Sweden, the French and Dutch West Indies, and even through Canada and Nova Scotia. The second is, that the American States are not, and cannot be, united. The landed interest will never join with the commercial interest, nor the southern States with the northern, in any measures of retaliation or expressions of resentment. These things have been so often affirmed to this people by the refugees, and they have so often repeated them to one another, that they now fully believe them; and I am firmly persuaded they will try the experiment as long as they can maintain the credit of their stocks. It is our part then to try our strength. You know better than I do whether the States will give Congress the power, and whether Congress, when they have the power, will judge it necessary or expedient to exert it in its plenitude.

You were present in Congress, sir, in 1774, when many members discussed in detail the commercial relations between the United States (then United Colonies) and Great Britain, Ireland, the British West Indies, and all other parts of the British Empire, and showed to what a vast amount the wealth, power, and revenue of Great Britain would be affected by a total cessation of exports and imports. The British revenue is now in so critical a situation, that it might be much sooner and more essentially affected than it could be then. You remember, however, sir, that, although the theory was demonstrated, the practice was found very difficult.

Britain has ventured to begin commercial hostilities. I call them hostilities, because their direct object is not so much the increase of their own wealth, ships, or sailors, as the diminution of ours. A jealousy of our naval power is the true motive, the real passion which actuates them. They consider the United States as their rival, and the most dangerous rival they have in the world. I see clearly they are less afraid of an augmentation of French ships and sailors than American.

They think they foresee that if the United States had the same fisheries, the same carrying trade, and the same market for ready-built ships which they had ten years ago, they would be in so respectable a posture, and so happy in their circumstances, that

their own seamen, manufacturers, and merchants too, would hurry over to them.

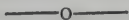
If Congress should enter in earnest into this commercial war, it must necessarily be a long one before it can fully obtain the victory, and it may excite passions on both sides which may break out into a military war. It is to be hoped, therefore, that the people and their councils will proceed with all the temperance and circumspection which such a state of things requires. I would not advise to this commercial struggle if I could see a prospect of justice without it, but I do not. Every appearance is on the contrary.

I have not indeed obtained any direct evidence of the intentions of the Ministry, because I have received no answer to any of my letters to Lord Caermarthen; and it seems to me to press them at this juncture, with any great appearance of anxiety, would not be good policy.

Let them hear a little more news from Ireland, France, and perhaps Spain, as well as America, which I think will operate in our favor.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 8, 1785.

Dear Sir,

It would be of little consequence to us whether there was a union between Great Britain and Ireland or not, or whether Mr. Pitt's twenty propositions are accepted or not, provided both these countries should be allowed to trade with the United States upon free and equal terms; but the design is too apparent, at least too suspicious, of drawing Ireland into the shackles of the navigation acts, in order that the three kingdoms may be made to act in concert in maintaining that system of monopoly against us.

Several speakers in Parliament, and many writers have lately thrown out hints of a union with Ireland, and a certain printer and bookseller is now employed in reprinting Daniel de Foe's book upon the union with Scotland, to which he has engaged Mr. de Lolme to write an introduction. This is all a ministerial operation, and is

intended to be pushed, if Mr. Pitt's twenty propositions should either be rejected by the Irish Parliament, or give too much discontent to the volunteers.

The twenty propositions, and the bill which is grounded on them, betray too clearly the intentions of the Ministry.

“Whereas, it is highly and equally important to the interests, both of Great Britain and Ireland, and essential to the objects of the present settlement, that the laws for regulating trade and navigation, so far as relates to securing exclusive privileges to the ships and mariners of Great Britain and Ireland, and British colonies and plantations, and so far as relates to the regulating and restraining the trade of the British colonies and plantations, should be the same in Great Britain and Ireland, and that all such laws in both kingdoms should impose the same restraints, and confer the same benefits on the subjects of both, which can only be effected by the laws to be passed in the Parliament of both kingdoms, (the Parliament of Great Britain being alone competent to bind the people of Great Britain in any case whatever, and the Parliament of Ireland being alone competent to bind the people of Ireland in any case whatever,) therefore, be it declared, that it shall be held and adjudged to be a fundamental and essential condition of the present settlement, that the laws for regulating trade and navigation, so far as the said laws relate to the securing exclusive privileges to the *ships* and *mariners* of Great Britain, Ireland, and the British colonies and plantations, shall be the same in Great Britain and Ireland, and shall impose the same restraints, and confer the same benefits on the subjects of both kingdoms.”

“That all privileges, advantages, and immunities, which are now granted, or shall, by any law to be passed by the Parliament of Great Britain, be hereafter granted to ships built in Great Britain, or to ships belonging to any of his Majesty's subjects residing in Great Britain, or to ships manned by British seamen, or to ships manned by certain proportions of British seamen, shall, to all intents and purposes whatever, be enjoyed in the same manner, and under the same regulations and restrictions respectively, by ships built in Ireland, or by ships belonging to any of his Majesty's subjects residing in Ireland, or by ships manned by Irish seamen, or by ships manned by certain proportions of Irish seamen.”

“That it shall be held and adjudged to be a fundamental and

essential condition of the present settlement, that such regulations as are now, or hereafter shall be in force, by law passed or to be passed in the Parliament of Great Britain, for securing exclusive privileges, advantages, and immunities as aforesaid, to the ships and mariners of Great Britain, Ireland, and the British colonies and plantations, shall be established in Ireland, for the same time, and in the same manner, as in Great Britain, by laws to be passed in the Parliament of Ireland within months, &c., provided that the laws so to be passed in the Parliament of Great Britain for the purposes aforesaid shall impose the same restraints, and confer the same benefits on the subjects of Great Britain and Ireland."

"That it shall be held and adjudged to be a fundamental and essential condition of the present settlement, that Irish sail cloth shall be deemed British sail cloth within the meaning of 19 Geo. 2, or any other act or acts of Parliament respecting the furnishing of ships with British sail cloth, and that Irish sail cloth shall be entitled to equal preference and advantage as British, for the use of the British navy."

"That it shall be held and adjudged to be a fundamental and essential condition of the present settlement, that all goods of the growth, produce, or manufacture, of any British, or of any foreign colony in America, or in the West Indies; or of any of the British or foreign settlements on the coast of Africa, and *all peltry, rum, train oil, and whale fins*, being the growth, produce, or manufacture of the countries belonging to the United States of America, or being the produce of the fisheries carried on by the subjects of the United States of America, shall, on importation into Ireland, be made subject to the same duties and regulations as the like goods are, or from time to time shall be subject to, on importation into Great Britain; or, if prohibited from being imported into Great Britain, shall, in like manner, be prohibited from being imported into Ireland."

These extracts from the bill for finally regulating the intercourse and commerce between Great Britain and Ireland, moved in the House of Commons by the Chancellor of the Exchequer, are sufficient evidence of a design to draw Ireland into a combination against America.

This jealousy of our ships and mariners, sir, is not peculiar to the English. The French are equally possessed of it, and both are

infected with it to such a degree, that I am confident that each of these nations had rather contribute to the increase of the other ships and mariners than those of the United States. It would not surprise me at all if these two Courts, which can agree in nothing else, should combine together to exclude us from every branch of the carrying trade, and every advantage of the whale fishery.

What shall we do to defend ourselves? Shall we confine the exportation of the produce of the United States to the ships and mariners of the United States? To increase the English Navy, the statute of the 5 Ric. 2, C. 3, enacted that "none of the King's liege people should ship any merchandize out of or into the realm but only in the ships of the King's liegance on pain of forfeiture. If the United States were able and willing to imitate this statute and confine all our exports and imports to ships built in the United States, and navigated with American seamen, or three quarters American seamen, or one half, or even one third American seamen, what would be the consequence? We should not have at first enough either of ships or seamen to export the produce, and import what would be wanted from abroad; but we should see multitudes of people instantly employed in building ships, and multitudes of others immediately becoming sailors, and the time would not be long before we should have enough of both. The people of the United States have shown themselves capable of great exertions and possessed of patience, courage, and perseverance, and willing to make large sacrifices to the general interest.

But are they capable of this exertion? Are they possessed of patience, courage, and perseverance enough to encounter the losses and embarrassments which would at first be occasioned by an exclusion of foreign ships? I wish I could know the number of foreign ships which have entered the ports of the United States since the peace. Including English, French, Dutch, Italian, and Swedish vessels, the number must be very great. If all these ships and seamen were American, what materials would they furnish for a navy in case of need? How would this be received by foreign nations? Spain and Portugal would say nothing, because they have no ships in our trade. France has few. Italy would have no right to object; nor Germany, Russia, Sweden, or Denmark. It would be laying an axe at the root of the British commerce, revenue, and naval power, however slightly they may think of us. Whether a

heavy duty upon all foreign vessels, such as should operate as a decisive encouragement to American ships, would not answer the end as well, I am not able to judge.

The provisions of the act of navigation, 12 Car. 2, C. 18, would not be sufficient for our purpose. If the United States should agree in a law that no goods should be suffered to be imported into the United States in any other than an American bottom, (navigated by an American master, and three fourths of the seamen American,) or in the ships of that European nation of which the merchandize imported was the genuine growth or manufacture, this would not accomplish our wish, because British and Irish ships would desire no other than to import into our States the manufacture of the British empire, and to export our produce in the same bottoms. Some of the British statutes prohibit foreigners to carry on the coasting trade, that is, to go from one port to another in Great Britain; and this regulation will now be extended to Ireland, if the twenty propositions are accepted. A similar regulation might be adopted by the United States; and this would be a vast encouragement to our navigation, for the intercourse between one State and another, and between one port and another of the same State, will now be so frequent and considerable as to employ many ships and mariners; and in these the greatest strength of a country consists, because they are always at home ready to fight for the defence of their firesides.

If we should get over our aversion to monopolies and exclusions, and adopt the selfish, unsocial principles of the European nations, particularly of France and England, we should astonish the world with a navy in a very few years, not more than eight or ten, equal, perhaps, to the third maritime power in Europe. This would be amply sufficient for our defence. European statesmen know it better than we do, and dread it more than we desire it, because they think that from that period all the West India Islands, Canada, and Nova Scotia, the Floridas and Mexico, too, would be made to join us. Why, then, will England pursue measures which will force us to try experiments against our inclinations? There is no answer to be given to this question but the same which has been given to another: Why did she force us into independence? The nation is infatuated, and every successive Minister must be infatuated, too, or lose his popularity and his place. Nor is France much less infatuated in her system of politics relative to America. The jealousy of our naviga-

tion is so strong and so common to both, that I should not be at all surprised if France should agree that England should carry her point in Ireland, draw her into the navigation monopoly, and agree together to keep peace with one another, and force us, if they can, out of every nursery for seamen. I know that French noblemen are in England, and English gentlemen in France, preaching up to each other a terror of our naval power, and even the late *arrêt* against British manufactures may be but a blind to cover very different designs. Both Courts are capable of such dissimulation, and they are now acting in concert in Germany, so much to the disgust of the two Imperial Courts, that I confess I do not admire this appearance of friendship any more than I cannot account for it.

It will require all the wisdom and all the firmness of Congress and the States to plan and execute the measures necessary to counteract all these wiles.

With great and sincere esteem, &c.,

JOHN ADAMS.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 10, 1785.

Dear Sir,

The *arrêt* of the King of France, in his council of the 10th of July, has a preamble which deserves to be well considered in America. The increasing liberality of sentiment among philosophers and men of letters in various nations, has, for some time, given reason to hope for a *reformation* or kind of *Protestanism* in the commercial system of the world; but I believe that this *arrêt* is the first act of any sovereign which has openly avowed commercial principles so generous and noble. “Nothing could appear to the King more desirable and suitable to his own principles than a general liberty which, freeing from all kinds of fetters the circulation of all productions and goods of different countries, would make of all nations, as it were, but one in point of trade; but as long as that liberty cannot be universally admitted, and every where reciprocally, the interest of the kingdom requires of his Majesty’s wisdom that he should exclude from it, or suffer to be imported by the nation only, those foreign goods, the free importation of which would be hurtful to his kingdom and manufactories, and might make the balance of trade to be against him.”

The United States of America have done more than all the economists in France towards propagating in the world that magnanimous sentiment. But they have more cause than the Court of France to complain that liberty is not universally and reciprocally admitted. They have cause to complain against France herself in some degree, but more against Great Britain, for France, in some degree, calculates all her policy towards us, upon a principle which England pursues more steadily—a principle not so properly of enriching and strengthening herself at our expense, as of impoverishing and weakening us even at her own expense. Simple selfishness, which is only the absence of benevolence, is much less unamiable than positive malevolence. As the French Court has condescended to adopt our principle in theory, I am very much afraid we shall be obliged to imitate their wisdom in practice, and exclude from the United States, or suffer to be imported by our nation only, and in their own ships, those foreign goods which would be hurtful to the United States and their manufactories, make the balance of trade to be against them, or annihilate or diminish their shipping or mariners.

We have hitherto been the bubbles of our own philosophical and equitable liberality; and, instead of meeting corresponding sentiments, both France and England have shown a constant disposition to take a selfish and partial advantage of us because of them, nay, to turn them to the diminution or destruction of our own means of trade and strength. I hope we shall be the dupes no longer than we must. I would venture upon monopolies and exclusions, if they were found to be the only arms of defence against monopolies and exclusions, without fear of offending Dean Tucker or the ghost of Doctor Quenay.

I observe further, with pleasure, in the preamble, that the King “is particularly occupied with the means of encouraging the industry of his subjects, and of propagating the extent of their trade, and ‘reviving their manufactories.’” Great things may be done in this way for the benefit of America as well as of France, if the measures are calculated upon the honest old principle of “live and let live.” But if another maxim is adopted, “I will live upon your means of living,” or another still worse, “I will half starve, that you may quite starve,” instead of rejoicing at it, we must look out for means of preserving ourselves. These means can never be secured entirely, until Congress shall be made supreme in foreign commerce, and

shall have digested a plan for all the States. But if any of the States continue to refuse their assent, I hope that individual States will take it separately upon themselves, and confine their exports and imports wholly to ships and mariners of the United States, or even to their own ships and mariners of the United States, or, which is best of all, to the ships and mariners of those States which will adopt the same regulations. I should be extremely sorry, however, that there ever should be a necessity of making any distinction between the ships and mariners of different States. It would be infinitely better to have all American ships and seamen entitled to equal privileges in all the Thirteen States. But their privileges should be made much greater than those of foreign ships and seamen.

With great respect, &c.,

JOHN ADAMS.

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FROM JOHN JAY TO JOHN ADAMS.

New York, November 1, 1785.

Dear Sir,

My last to you was of the 14th ult., by the ship *Betsey*, Captain Thomas Watson. Since that time I have had the pleasure of receiving and laying before Congress your despatches of the 6th, 8th, and 10th August last.

We concur so perfectly in sentiment respecting public affairs and what ought to be done, that I find no occasion to enlarge on those heads.

In a late report I have called the attention of Congress to this serious question, viz: whether the United States should withdraw their attention from the ocean, and leave foreigners to fetch and carry for them, or whether it is more their interest to look forward to naval strength and maritime importance, and to take and persevere in the measure proper to attain it.

The diversity of opinion on this point renders it necessary that it should be well considered and finally decided. The eastern and middle States are generally for the latter system; and though the others do not openly avow their preferring the former, yet they are evidently inclined to it. Hence it is that the most leading men in Congress from that quarter do not only not promote measures for vesting Congress with power to regulate trade, but, as the common phrase is, throw cold water on all such ideas.

Having few or no ships of their own, they are averse to such duties on foreign ones as will greatly advance the price of freight; nor do they seem much disposed to sacrifice present profits for the sake of their neighbors who have ships and wish to have more.

We hear much of the Algerines having declared war against the United States. None of our advices are official; but as the intelligence comes directly from Nantes, Bordeaux, and L'Orient, there seems to be much reason to fear that it is true.

The public papers herewith sent will inform you of our common occurrences; and I wish it was in my power to tell you what Congress mean to do respecting many matters on which they are to decide.

The representation is at present slender, and will, I suspect, continue so till the new members come on.

I have the honor to be, &c.,

JOHN JAY.

—o—

FROM JOHN JAY TO JOHN ADAMS.

New York, November 1, 1785.

Dear Sir,

I have the honor of transmitting to you, herewith enclosed, an act of Congress of the 13th ultimo, respecting British claims and encroachments on our eastern boundaries, and instructing and authorizing you to take proper measures for amicably settling the disputes thence arising. You will also find, herewith enclosed, the several papers and documents referred to in the act, and of which a list is hereto subjoined.

It also appears to me expedient to send you copies of two reports which I have made to Congress respecting these matters, not for your direction, but that you may thereby be fully informed of my sentiments on this interesting subject.

With great and sincere regard, &c.,

JOHN JAY.

—
List of Papers herewith enclosed.

- No. 1. Resolution of Congress, 13th October, 1785.
- No. 2. Copy of a report of the Secretary for Foreign Affairs, 21st April, 1785.
- No. 3. Copy of a resolve of the Legislature of Massachusetts, 6th and 7th July, 1784.

- No. 4. Copy of the report of Generals Lincoln and Knox, 19th October, 1784.
- No. 5. Copy of the deposition of John Mitchell, 9th October, 1784.
- No. 6. Extract of a letter from John Adams, Esquire, to Lieutenant Governor Cushing, 25th October, 1784.
- No. 7. Copy of a letter from Governor Hancock to Governor Parr, of 12th November, and Governor Parr's answer, of 7th December, 1784.
- No. 8. Copy of a letter from Rufus Putnam, Esquire, to the committee of Massachusetts, 24th December, 1784.
- No. 9. Copy of the deposition of Nathan Jones, of 17th March, 1785.
- No. 10. Copy of a letter from Governor Carleton to Governor Hancock.
- No. 11. Copy of a report of the Secretary for Foreign Affairs, 22d September, 1785.
- No. 12. Copy of a letter from James Avery, Esquire, to the Governor of Massachusetts, 23d August, 1785.
- No. 13. Copy of an act of the Council of Massachusetts, 9th September, 1785.
- No. 14. Copy of a letter from the Governor of Massachusetts to the Governor of New Brunswick, 9th September, 1785.

FROM THOMAS CARLETON TO JOHN HANCOCK.

St. John's, New Brunswick, June 21, 1785.

Sir,

In consequence of a letter from your Excellency to the Governor of Nova Scotia, which has been transmitted to his Majesty's Ministers, respecting the boundary between this province and the State of Massachusetts Bay, I have it in charge to inform your Excellency that the great St. Croix, called the Schoodic by the Indians, was not only considered by the Court of Great Britain as the river intended and agreed upon by the treaty to form a part of that boundary, but a numerous body of the loyal refugees, immediately after the peace, built the town of St. Andrews on the eastern bank thereof, and in fact it is the only river on that side of the province of either such magnitude or extent as could have led to

the idea of proposing it as a limit between two large and spacious countries.

In making this communication concerning a point of great public importance, I cannot entertain a doubt, sir, of your Excellency's concurrence with me in contributing to the complete observance of the treaty subsisting between Great Britain and the United States of America, as far as may, in any instance, immediately respect the State of Massachusetts and the province of New Bruns-
wick; and I hope, and am persuaded, that if any further question on this subject should arise between us, it will be considered on both sides with a temper and attention essential for the preservation of national peace and harmony.

I have the honor to be, &c., THOMAS CARLETON.
To his Excellency Governor Hancock.

Extract from the Secret Journal of Foreign Affairs, October 13, 1785.

On motion of the Delegates from Massachusetts,
Resolved, That copies of the papers and documents received from the Governor of the State of Massachusetts, respecting the encroachment made by certain subjects of his Britannic Majesty upon the territories of that State, and within the boundaries of the United States, be transmitted to the Minister Plenipotentiary of the United States at the Court of London, to the end that effectual measures should be immediately taken to settle all disputes with the Crown of Great Britain relative to that line.

Resolved, That the said Minister Plenipotentiary be, and hereby is, instructed to present a proper representation of this case; and if an adjustment, consistent with the true meaning of the definitive articles of peace and friendship between the United States and his Britannic Majesty, cannot, by such representations, be obtained in the ordinary mode of negotiations, that he propose a settlement and final decision of the said dispute by commissaries mutually appointed for that purpose, for the appointment of whom, and for all purposes incident to the final determination of the said dispute by commissaries, conformably to the law of nations, the said Minister Plenipotentiary is hereby vested with full powers on behalf of the United States of America.

Report of John Jay respecting the Eastern Boundary of the United States.

Office for Foreign Affairs, April 21, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the papers, herewith enclosed, respecting the eastern boundary line of the said States, reports :

That, in his opinion, effectual measures should be immediately taken to settle all disputes with the Crown of Great Britain relative to that line.

He thinks that copies of the said papers should be transmitted to the Minister Plenipotentiary of the United States at that Court, with instructions to present a proper representation of the case, and to propose that commissioners be appointed to hear and finally decide those disputes.

If this measure should appear expedient to Congress, your Secretary would suggest the following hints on the subject, viz :

That the number of commissioners should be six, or eight, or ten, or twelve, at the election of his Britannic Majesty.

That two commissions of the like tenor, to be agreed upon between our and their Ministers, be issued to the whole number, viz : one by the United States, and the other by his Britannic Majesty.

That each party shall name the one half of the whole number.

That they shall all be foreigners, or all be persons of the two nations at the election of his Britannic Majesty, it is not important.

If he should prefer having them of the two nations, then that he shall name the one half of them, being inhabitants of any of his dominions, except those which are situated in, and to the west and south of, the gulf of St. Lawrence, and that the United States shall name the other half from any of their countries except Massachusetts.

That the commissioners, if of the two countries, shall sit in North America, but if foreigners, in Europe, at any place which may be agreed upon by our and their Ministers. That previous to their proceeding to business, they shall, respectively, take an oath, fairly, impartially, and justly, without fear, favor, or affection, to hear and decide the said matters in difference, according to the best of their skill and understanding, agreeably to the directions, true intent, and meaning of the said commissions.

That in case of the death, or refusal to act of any of the said commissioners, previous to their opening and proceeding to execute the said commission, (but not afterwards,) the place of such so dying or refusing shall be supplied by the party who named him, and that certificate thereof, under the seal of Great Britain, or of the United States, as the case may be, directed to the said commissioners, by the style of the Commissioners for settling the boundary line between His Britannic Majesty and the United States, on the easterly side of the latter, shall be full evidence of such appointment.

That a majority of the whole number shall be a quorum for every purpose committed to them expressly or necessarily implied in their commissions, such as choosing their chairman, appointing secretaries and surveyors, adjourning from day to day, or for a longer term, which should not exceed ten days, deciding on matters of evidence, and finally determining the matters in difference, &c.

That they keep regular minutes of their proceeding; that all evidence, whether oral or written, be entered at large in them; that copies of all maps and surveys admitted as evidence be made and kept with their papers; that their chairman for the time being shall have power to administer oaths; that contempts offered to the board while convened, and setting on the business of the commission, shall be punished as contempts committed in a court of justice; and that a certificate by the chairman of such contempt, delivered to any civil magistrate, shall make it the duty of such magistrate to apprehend and commit the offender to prison, there to remain until thence delivered in due course of law.

That both parties shall have free access to the public offices and records of the other, and be supplied with copies or exemplifications of any parts thereof on paying the accustomed fees.

That both the parties shall produce to the board, whatever they may have to offer within three months after the opening of the said commission, by a quorum of the commissioners, at the place to be appointed, who shall sit and be ready to do business during the whole of that term, unless the parties shall, by writing under the hands of their agent or agents, sooner declare that they have nothing further to offer.

That, on receiving such declarations from both the parties, if within the said three months, or from and immediately after the expiration of that term, whichever of those events shall first happen, the commissioners shall, within two days thereafter, deliver their

judgment in writing, under their hands and seals, or to the hands and seals of a majority of them, to the agents of both parties, viz: one copy for each party, and that the said judgment shall be absolute, final, and conclusive between the said parties.

That, on having given judgment as aforesaid, or as soon as may be, within two months thereafter, they shall annex transcripts of all their minutes, proceeding, and maps or surveys abovementioned to each of the said commissions, and under their hands and seals, or the hands and seals of a majority of them, shall return the same; the one issued by his Britannic Majesty to his Britannic Majesty, and the one by the United States to the United States in Congress assembled; and that the delivery of the same to their respective agents shall be deemed and adjudged to be a good and sufficient return. That the allowance to be made the said commissioners for service and expenses be fixed by our and their Ministers, and each party pay the one-half thereof.

That it be expressly stipulated that his Britannic Majesty shall, within six months after the day on which the judgment shall be delivered to the agents as aforesaid, cause the United States to be put in full possession of all the territories, lands, and islands, which, by the said judgment, may be adjudged to the said States, and then being in the possession of his Majesty; and, on the other hand, that the United States shall, within six months after the day on which the judgment shall be delivered as aforesaid, cause his Britannic Majesty to be put in full possession of all the territories, lands, and islands which, by the said judgment, may be adjudged to him and them, being in the possession of the United States.

All which is humbly submitted to the wisdom of Congress.

JOHN JAY.

PAPERS REFERRED TO IN THE AFOREGOING REPORT, 21ST
APRIL, 1785.

Resolve of the Legislature of the State of Massachusetts.

Commonwealth of Massachusetts, }
In the House of Representatives, July 6, 1784. }

Whereas, the United States in Congress assembled, on the 29th day of January last past, recommended to the Governor of this Commonwealth to cause inquiry to be made whether encroachments had actually been made on the territories of this State by the subjects

of his Britannic Majesty, from the government of Nova Scotia; and it appearing that great encroachments have been made on the said territories,

Resolved, That three gentlemen be appointed by the General Court, whose duty and business it shall be to repair to the eastern part of this State, and there inform themselves what encroachments have been made by his said Britannic Majesty's subjects on the territories of the Commonwealth; and, if they find such have been made, that they make representation thereof to the Governor of Nova Scotia, and request him, in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighboring States, to recall from off the said territory the said troops of his Britannic Majesty, so found to have encroached thereon; that they receive any communication which may be made by the said Governor of Nova Scotia, and make report of their proceedings herein to the General Court.

Resolved, That his Excellency the Governor, make a commission, under the seal of the Commonwealth, to the agents to be appointed as aforesaid, to transact the said business, and transmit to the said Governor of Nova Scotia a copy of these resolves.

Resolved, That Benjamin Lincoln, Henry Knox, and George Partridge, Esqs., be and are hereby appointed agents for the business mentioned in the foregoing resolves.

Sent up for concurrence.

SAMUEL A. OTIS, *Speaker*.

In Senate, July 7, 1784.

Read and concurred in.

SAMUEL ADAMS, *President*.

Approved: JOHN HANCOCK.

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

FROM JOHN HANCOCK TO JOHN PARR.

Referred to in the Report of 21st April, 1785.

Boston, November 12, 1784.

Sir,

I have the honor to enclose to your Excellency a resolution and proclamation of Congress respecting the boundary line at the eastern

part of this Commonwealth, and am to inform you that, agreeably to the said resolution, an inquiry has been made by a respectable committee appointed by this Government for that purpose, who have reported, that upon a most careful examination of the evidence respecting the ancient boundary between Nova Scotia and this State they found the most easterly of the three rivers, which empty themselves into the bay of Passamaquoddy, to be the ancient line, and now the boundary established by the said treaty, so happily conclude between the Crown of Great Britain and these States. The Committee also report, that the subjects of his Britannic Majesty have made encroachments upon the territory of this Commonwealth, a large number of whom are now possessing themselves of lands on the western side of the said river.

The Government of this State, sir, is no less desirous than the United States, in Congress assembled, of cultivating that peace and harmony which I hope will ever subsist between the citizens of the States and the subjects of his Majesty; wherefore, in pursuance of the resolution of Congress, I am to request your Excellency will be pleased to recall from off the said territory those subjects of his Majesty who have removed themselves from his dominions, and planted themselves within this Commonwealth. I shall be always ready to give immediate attention to such communications as your Excellency shall be pleased to make upon this or any other subject.

I have the honor to be, &c.,

JOHN HANCOCK.

I had the honor of a verbal message from your Excellency by Mr. Gregory Townsend, respecting the probate papers in the hands of Mr. Hutchinson, at Halifax, that they were packing up, and would be sent by the first opportunity. I have since received no tidings of them. I take the liberty to request your Excellency's kind interposition that they may be forwarded before the bad season comes on more especially as they are papers of great consequence, and are much wanted.

FROM JOHN PARR TO JOHN HANCOCK.

Halifax, December 7, 1784.

Sir,

I had the honor of your letter, dated the 12th November, enclosing a copy of a resolution of Congress 29th January last, with a proclamation dated 14th of the same month, all which I have forwarded

to the Governor of New Brunswick, within whose Government are the lands in dispute; and I have transmitted copies of them to Lord Sydney, one of his Majesty's principal Secretaries of State.

I have the honor to be, &c.,

J. PARR.

Extract of a Letter from his Excellency John Adams to Lieutenant Governor Cushing, dated Auteuil, near Paris, October 25, 1784.

In writing upon the subject of the line between Massachusetts and Nova Scotia, he observed as follows:

"We had before us, through the whole negotiation, a variety of maps, but it was Mitchel's map, upon which were marked out the whole of the boundary lines of the United States; and the river St. Croix, which we fixed on, was upon that map the nearest river to St. John's; so that in all equity, good conscience, and honor, the river next to St. John's should be the boundary.

"I am glad the General Court are taking early measures, and hope they will pursue them steadily, until the point is settled, which it may be now, amicably; if neglected long, it may be more difficult."

Attest:

JOHN AVERY, Jr., *Secretary.*

Deposition of Nathan Jones.

I, Nathan Jones, of Goldsborough, in the county of Lincoln, and Commonwealth of Massachusetts, Esquire, testify and say, that in the year seventeen hundred and sixty-four I was employed by Sir Francis Bernard, then Governor of the province of Massachusetts Bay, as commander of a party employed to explore the woods, and view the rivers and bays, particularly that of Passamaquoddy, in the eastern parts of the said province, and to ascertain the river St. Croix, dividing the said province from the Government of Nova Scotia, and to perform a survey thereof. Accordingly we proceeded, and assembled upwards of forty of the Indians on an island called Letête, and after having fully and freely conversed with them upon the subject of our mission, the chief commissioned three Indians to show us the said river St. Croix, which is situated nearly six miles

north, and about three degrees east of the harbor Letête, and east-north-east of the bay or river Schoodic, and distant from it about nine miles upon a right line.

The aforesaid three Indians, after having shown us the said river, and being duly informed of the nature and importance of an oath, did make solemn oath to the truth of their information respecting the identity of the said river St. Croix, and that it was the river known amongst them by that name, which river is the eastern river in the bay of Passamaquoddy, and now known by the name of the Maggacadava. We proceeded according to this information in our surveys, and, agreeably thereto, in August following, made return of our doings to the said Governor Bernard.

NATHAN JONES.

SUFFOLK, ss: }
BOSTON, *March 17, 1785.* }

The above named Nathan Jones personally appeared, and on oath declared that the above, by him subscribed, is true.

Before me,

EZEKIEL PRICE, *Justice of the Peace.*

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary.*

Deposition of John Mitchel.

I, the subscriber, an inhabitant of Chester, in the State of New Hampshire, voluntarily make the following declaration, to wit:

That I was employed by his Excellency Francis Bernard, Esquire, Governor of the province of Massachusetts Bay, in April, 1764, as a surveyor, in company with Mr. Israel Jones, as my deputy, Mr. Nathan Jones, as commanding officer of a party of troops, and Captain Fletcher, as Indian interpreter, to repair to the bay of Passamaquoddy, to assemble the Indians usually residing there, and from them to ascertain the river known by the name of the St. Croix.

We accordingly assembled upwards of forty of the principal Indians upon an island, then called L'Atereel, in the said bay of Passamaquoddy.

After having fully and freely conversed with them upon the subject of our mission, the chief commissioned three Indians to shew

s the said river St. Croix, which is situated nearly six miles north and about three degrees east of harbor La Tete, and east-north-east of the bay or river Schoodic, and distant from it about nine miles upon right line. The aforesaid three Indians, after having shewn us the river, and being duly informed of the nature and importance of an oath, did, in a solemn manner, depose to the truth of their information respecting the identity of the said river St. Croix, and that it was the ancient and only river known amongst them by that name. We proceeded, conformably to this information, in our surveys, and, in August following, I deliverd to Governor Bernard three plans of the said river St. Croix and the said bay of Passamaquoddy.

JOHN MITCHEL, *Surveyor*.

SUFFOLK, ss: }
BOSTON, October 9, 1784. }

The above named John Mitchel personally appeared, and on solemn oath declared that the above, by him subscribed, is true.

Before me,

EZEKIEL PRICE, *Justice of the Peace*.

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

FROM RUFUS PUTNAM TO THE COMMITTEE OF MASSACHUSETTS.

Rutland, December 27, 1784.

Gentlemen,

As the plan I furnished you on my return from the eastern country was much more extensive than what was barely necessary for the delineation of the lands which I surveyed for Government, comprehending so much of the Passamaquoddy country as I thought sufficient to give a pretty clear idea of the grounds in dispute between this Commonwealth and Nova Scotia, respecting our eastern boundary, if it is not my duty as a servant of the public, I ask their indulgence as a citizen, to mention several matters by way of information and explanation of my plan, and also to make a few observations on the respective claims of the two nations in that quarter.

From Mr. Jones, who is the principal surveyor employed by the British in that quarter since the peace took place, I learned that they consider the Schoodic as the St. Croix intended in the treaty; that they fix the mouth of that river at the Devil's Head, which you will see marked in township No. V. in my plan; and the bays of Schoodic, St. Andrews, Cobbes Cook, &c., &c., formerly comprehended under the general name of Passamaquoddy, they consider as arms of the sea or parts of the bay of Fundy. Here, then, say they, (that is at the Devil's Head,) the following description in the treaty begins, viz: bounded east by a line to be drawn along the middle of the river St. Croix from its mouth, in the bay of Fundy, to its source; again, a line drawn from the mouth of St. Croix, at Devil's Head, to the mouth of St. Mary's river, between Georgia and East Florida, they consider as a boundary, to the eastward of which we have no claim on the mainland, among the islands, nor yet to the islands westward of such a line, except they lie within twenty leagues of the sea-coast or mainland, and have not been granted by the Government of Nova Scotia.

Again, in consequence of their claiming the Schoodic river for the St. Croix, all the lands to the eastward of it as high as the first falls above Mill Island, (marked in my plan,) are surveyed and granted to the refugees and others, after a judgment of escheat being passed on them; for they were formerly granted to others, as may be seen in the copy of the Halifax plan.

A straight line, says Mr. Jones, drawn from the Devil's Head to the mouth of St. Mary's river, as abovementioned, will fall on the sea-coast or north shore of the bay of Fundy, about the mouth of Little Machias river. The direction of this line across my plan is marked on the southern edge of it; and in consequence of their claiming such a line, not only all the islands in the bay of Passamaquoddy, whether granted before the peace or since, they claim as theirs; but the Island of Grand Mannana has been granted by the Governor of Nova Scotia to certain proprietors, and on the same principle. A few days before I left the country, Mr. Jones began the survey of Soward's Neck.

Their settlements keep pretty equal pace with their surveys; the Island of Grand Mannana has several settlers on it already, as well as a number of smaller islands in the eastern part of Passamaquoddy bay. The town of St. Andrews has between two and three hundred

houses, and a town at present called Schoodic, near the head of navigation, has near one hundred houses; besides which there is a township at the head of Oak bay granted to a company of associates, at the head of which is a Mr. Norwood, from Cape Ann. Another township west of this is surveyed for a company from Connecticut; and these companies obtain the same supplies of provisions as the refugees do.

The reason why they have made no surveys on the main land between the Devil's Head and Pleasant Point, or on Moose Island, I presume, is because they consider those lands as the property of Sir Francis Bernard and his associates, and that no judgment of escheat respecting them has yet taken place.

Upon the supposition that the Maggacadava river or Eastern St. Croix, from the falls, makes a north course up to its source, and the river Schoodic does the same, from the upper pond marked in my plan, then the tract of land between the two rivers in dispute will be in extent, east and west, nearly thirty-six miles, and by a London map, published immediately after the peace, at least one hundred and twenty miles north and south; so that the two rivers, in all probability, make a difference of one hundred and twenty townships, of six miles square, within which there is, no doubt, a great quantity of good lands.

Again, to draw a line, as they propose, from the Devil's Head, will cut off a quantity of land equal to four or five townships of six miles square, besides the Island of Great Mannana, and the small islands on the southern side of it, which are equal to three or four such townships, together with Moose Island, and some others, whose quantities are marked in my plan or report; but besides the value of the lands cut off by this proposed line, it is well to consider that the remainder of the lands bordering on the Schoodic and Cobbes Cook rivers, will be of little value to their owners, if they have no communication with the sea but what depends on the courtesy of their British neighbors.

The bay of Passamaquoddy, at present, affords great plenty of fish, but if we are to possess no islands in that bay for curing them, it must prove very injurious to the subjects of America who are, or may be, employed in taking fish in that quarter. The Island of Grand Mannana has a good harbor towards the southeast part of it, and its southern shore is lined with a number of small islands, among

which, and in the vicinity of them, great plenty of fish are taken, and the quality of the lands in Great Mannana and some of those smaller islands, it is said, is not inferior to those in the bay of Passamaquoddy; so that, in respect of both farming and fishing, these islands are of no small consequence.

But where the gentlemen of Nova Scotia have got the idea that the United States are bounded by a line drawn through the Atlantic ocean from the mouth of St. Mary's river to the mouth of the St. Croix, is hard to conceive; for my own part, I cannot find a single hint of such a boundary in all the treaty; yet, as absurd as this idea appears to be, not only Mr. Jones and other refugees are fallen into the mistake, but Governor Parr must have done so too, otherwise he would not have patented the Island of Grand Mannana, for, as Mr. Jones told me, it never had been granted before, it cannot now possibly belong to Nova Scotia on any other principle but the establishment of such a line. With respect to the islands, the words of the treaty are these: "Comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the *points* where the aforesaid boundary between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands," &c. Now, whenever we can find that point, viz: the middle of the mouth of the St. Croix river, in the bay of Fundy, we are to draw a line due east from that spot, and all islands lying to the south of such line, (and to the northern mouth,) of a line drawn due east from the middle of the mouth of St. Mary's river, and within twenty leagues of the shore or main land of the United States, are by the treaty ceded to *them*, "except such islands as now are, or hereafter have been, within the limits of said province of Nova Scotia."

Now, although at present it may be uncertain where to fix this point, viz: the middle of the mouth of the St. Croix, in the bay of Fundy, yet if we attend to the bearing of Grand Mannana from the west passage, as marked in the plan, it is certain that if you fix it any where about the bay of Passamaquoddy, a line drawn due east from thence will leave the whole island of Grand Mannana to the south, and this island, lying within much less than twenty leagues of the shore or main land, of course belongs to the United States; therefore, Governor Parr could never grant this island on any other principle

but the one I have mentioned. The survey then made on Soward's Neck may be of a much more serious nature than was at first apprehended. If the Schoodic be the St. Croix intended in the treaty, I agree with the Nova Scotia gentlemen, that the *real* mouth of that river is at the Devil's Head; but I by no means admit this to be the mouth intended by the commissioners who formed the treaty; for to draw a line due east from thence, not only crosses over a tract of main land before it touches the bay of Fundy *proper*, and would give every island in the Passamaquoddy to the United States, but also all the islands along the shore to the eastward of Passamaquoddy for several leagues, which I can by no means suppose to be intended; and if we fix this point in the real mouth of the Maggadadava or Eastern St. Croix, we shall be involved in the same difficulties as before. So that which ever be the St. Croix intended, the point mentioned in the treaty must be in some other place than either of those I have mentioned, and the most probable opinion I have been able to form of the matter is, that the commissioners considered the whole bay of Passamaquoddy as the mouth of the river St. Croix, and that their real intention was, that a line beginning in the middle of this mouth at a point where it joins the bay of Fundy, that is on a line drawn from the west to the east cape or head land that forms the bay of Passamaquoddy, and from thence drawn through the middle of this bay or mouth, and along the middle of the St. Croix to its source, &c., &c., should be our eastern boundary. My reasons for this opinion are these: from this point (wherever it is) a line is to be drawn due east in order to determine what islands belong to the United States, and what not. Now, to draw such a line from any point within the eastern cape or head land must cross over a tract of main land before it can touch the bay of Fundy proper, and involve us in all these difficulties respecting the islands near the eastern shore beyond Passamaquoddy, which I have before mentioned. Again, the bay of Passamaquoddy is not mentioned in all the treaty, although noticed in Mitchel's map, and all the maps of that country in the American atlas. Wherefore the commissioners, I conceive, must consider it as a part of the bay of Fundy, or as the mouth of the St. Croix. We have already observed the absurdity of considering it as a part of the bay of Fundy, and fixing the mouth of the St. Croix at the Devil's Head, or any where else within the eastern cape; therefore, they must

consider it as the mouth of the St. Croix, or they could have no respect to it whatever. But if we carefully inspect Mitchel's map, and those in the American atlas, and compare these drafts with the whole description of our eastern boundary, my hypothesis appears to me the only intelligible and consistent one that can take place. For instance, if we consult Mitchel's map, a line drawn from the eastern and western capes, and bisected in the middle, strikes me as the identical point intended by the commissioners; from hence a line drawn due east escapes the eastern cape, and determines to whom the islands belong, in a rational and consistent manner; from hence also a line drawn through the middle of the bay and up the St. Croix, will make a pretty equal division of the bay of Passamaquoddy and the islands therein, which it is natural to suppose was intended; and if we inspect the several maps in the American atlas, the same ideas naturally arise, and upon this principle most if not all Campobello and a great part of Deer Island belongs to us, for the exceptions are respecting those islands only which are situated between lines drawn due east from certain points mentioned in the treaty.

With respect to the river intended by the commissioners as the boundary between us and Nova Scotia, I think they alone must determine, for as they are entirely silent with respect to any description but the bare name of St. Croix, and as the Passamaquoddy and Maggacadava have both obtained that name, I think it impossible to determine which is the river intended by the description they have given us. It may, however, be well to observe that the river Schoodic, or a river by the name of Schoodic, is not to be found on Mitchel's map, the American atlas, or any other draft that I have seen. Mitchel, at the head of St. Croix, has a lake which he calls Koneaki. This is evidently an Indian name, but is not the name of either of the lakes or ponds on the Schoodic that I have heard of.

Mr. Jeffers, author of the American atlas, in one of his maps, which he tells us is a new one made from various surveys, and corrected from divers astronomical observations, has given us two rivers by the name of St. Croix. The eastern one he has contended as the dividing line between us and Nova Scotia, and is undoubtedly the Maggacadava; the western river he calls Passamaquoddy or St. Croix.

You will please to observe that in my plan, just above the last falls, I have marked the mouth of a river coming in on the right nearly as large as the Schoodic, called by the natives Passamaquoddy. Now, if the treaty should be explained to intend the western St. Croix, yet the boundary line cannot follow the river now known by the name of the Schoodic to its source, but must be confined to the Passamaquoddy, or eastern branch of the western St. Croix; for with what propriety they should claim beyond this, and follow the Schoodic (a river not known in any map) above the forks, I cannot conceive; and I think it highly probable that the name of Schoodic was by the natives originally confined to the western branch, and that the name of Passamaquoddy extended from the forks quite down to the bay of the same name, for otherwise there is no connexion between the river and the bay which bear the same name, and which probably were derived the one from the other, which is commonly if not always the case.

I am, gentlemen, &c.,

RUFUS PUTNAM.

To Messrs. Phillips, Wells, and Dana, *Committee*.

True Copy. }

Attest:

JOHN AVERY, Jr., *Secretary*.

FROM GENERALS LINCOLN AND KNOX TO THE GOVERNOR OF MASSACHUSETTS.

Boston, October 19, 1784.

Sir,

In obedience to your Excellency's commission, bearing date July 12th, 1784, the subscribers, two of the commissioners named therein, proceeded the latter end of August to the bay of Passamaquoddy, and there endeavored to inform themselves of what encroachments had been made by the subjects of his Britannic Majesty on the territories of this Commonwealth.

They beg leave to inform your Excellency that a very considerable number of British subjects are settled at a place called St. Andrews, on the eastern bank of the river Schoodic, which, in the opinion of your commissioners, is clearly within the limits of this State.

By your Excellency's leave, they will recite a short state of facts on which this opinion was formed.

There are three very considerable rivers which empty themselves into the bay of Passamaquoddy, which is from five to seven leagues wide. The eastern river falls into the bay about a league from the head of it, and perpendicular to the eastern side. The middle river falls into the bay far on the westerly side of the head of it, and in direction parallel therewith. The western river falls into the bay about six leagues from the head of it, on the westerly side, and nearly perpendicular to it, all of which, in late British maps, are called St. Croix. The first is by the Indians called Maggacadav; the second Schoodic, and the third Cobbes Cook.

From every information the subscribers could obtain, on an inquiry of the Indians and others, the eastern river was the original St. Croix. This is about three leagues east of St. Andrews, where the British inhabitants have made a settlement.

Soon after the subscribers received their commissions, they wrote to Mr. Jay, requesting him to give them information whether the commissioners for negotiating the peace confined themselves to tracing the boundaries of the United States to any particular map, and if any one, to what. Since their return they received his answer, mentioning that Mitchel's map was the only one that the commissioners used, and on that they traced the boundaries agreed to. This, in the opinion of the subscribers, is a fact which must facilitate an equitable decision of the matter, though Mitchel's map is not accurate, at least in the description of the eastern part of this State.

He has described but two instead of three rivers which empty themselves into the bay of Passamaquoddy. The eastern of those he has placed at the head of the bay, near the centre of it, and calls it St. Croix. The western river he has called by the name of Passamaquoddy. Hence it is plain that though the map is inaccurate, yet the eastern river, which empties itself into the bay, is, in the opinion of Mitchel, the St. Croix. This opinion is further supported by the deposition of Mr. Mitchel, accompanying the report.

The subscribers are informed that the Mr. Jones mentioned in the deposition is soon expected in this town, who will depose to the same facts. The subscribers further represent, that they find in the maps of a quarto volume, published in Paris, in 1774, from Charlevoix's Voyages to North America, made in 1694, two rivers delineated at the head of the bay of Passamaquoddy, the western of which

alled Passamaquoddy, the eastern St. Croix. Although the mouth of the river St. Croix is but little more than three leagues east of the banks of the Schoodic, on which the British subjects are settled, yet, from the different courses of the two rivers, the source of the western branch of the Schoodic is nearly an hundred miles from the source of the St. Croix.

From a view of the rapid improvements made by the British subjects on the banks of the Shoodic, the subscribers could not but suppose that the idea of their removal would always embarrass a settlement of the line agreeable to the treaty of peace.

They, therefore, have thought it their duty to suggest the propriety of quieting such British settlers in their possessions who are desirous of becoming inhabitants of the United States.

That the General Court might have time to take this matter into their consideration, they have deferred writing to the Governor of Nova Scotia, though they could not have done this until within a few days past, from the necessary delays which have attended the procuring the evidence relative to the ancient St. Croix.

Want of health prevented the attendance of Mr. Partridge.

We have the honor to be, &c.,

B. LINCOLN,
H. KNOX.

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

By desire of the Secretary of State, the papers recorded herein from page 55 [432] to page 76 [449], inclusive, were this day reëxamined by me, and rendered conformable to the originals.

GEO: TAYLOR,
Chief Clerk in the Department of State.

Office for Foreign Affairs, September 22, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom were referred certain official papers delivered to Congress by the Delegates of Massachusetts, on the 19th instant, relative to attempts of the province of New Brunswick to extend their jurisdiction to Moose Island, &c., reports:

That, in his opinion, the advice given by the Council to his Excellency the Governor of Massachusetts, on the 9th instant, was proper,

and that, as one unopposed encroachment always paves the way for another, the Commonwealth of Massachusetts be advised by Congress, without *noise* or *delay*, to garrison such places in their actual possession as may be most exposed.

Your Secretary proposes by these garrisons to support the inhabitants in their allegiance, and to overawe New Brunswick peace officers, whom impunity might tempt to be insolent and troublesome. He thinks these garrisons should not be so large as to give alarm that they should be under select and discreet officers; that they should be formed by immediate detachments from the militia of some of the other counties, be at Continental charge, and be as soon as may be, relieved by detachments from the Continental troops raised or *to be raised for the frontiers*; that they should be ordered never to pass our limits, and to act only on the defensive, or when called upon to support the civil authority. However delicate this measure may appear, it may, in the opinion of your Secretary, be safely confided to the prudence of the Governor and Council of Massachusetts.

Nothing should be done to provoke hostilities on the one hand and on the other it must be remembered that too great and manifest reluctance to assert our rights by arms usually invites insult and offence.

Your Secretary is very apprehensive that to permit these disputes to remain unsettled will be to risk mutual acts of violence, which may embroil the two nations in a war. He, therefore, takes the liberty of calling the attention of Congress to a report he had the honor of making to Congress on this subject the 21st April last.

Your Secretary thinks that no nation can, consistent with the experience of all ages, expect to enjoy peace and security any longer than they may continue prepared for war, and he cannot forbear expressing his fears that the United States are not at present in the desirable situation.

As the eleventh article of the treaty of alliance between his most Christian Majesty and the United States contains an explicit and perpetual guarantee of all the possessions of the latter, your Secretary thinks it would be advisable to apprise the Court of France of the disputes in question, that his Majesty may coöperate with the United States in measures proper to bring about a settlement of them. In his opinion, these measures should be formed and pursued in concert

with France, and in such a manner as that she may have no just cause to be dissatisfied, or to say that, as we acted without her concurrence, we alone are to be responsible for the consequences. All which is submitted to the wisdom of Congress.

JOHN JAY.

Official Papers on which the preceding Report was founded.

JAMES AVERY, TO THE GOVERNOR OF MASSACHUSETTS.

Passamaquoddy, August 23, 1785.

Sir,

Being at this place on some private business of my own, I was informed that the Government of New Brunswick had asserted their claims to Moose Island, Dudley, and Fred Isle, all lying to the westward of Schoodic river. These islands were surveyed last season by General Putnam, by order of the committee on eastern lands, and the two last mentioned sold by them to Colonel Allen, who has, with M. de la Derniers, settled thereon, built houses and stores, and cleared up the lands at great expense. Moose Island is large, and well situated for trade, and has a number of worthy inhabitants settled on it. A few days ago Mr. Wyer, high sheriff for Charlotte county, posted up an advertisement on Moose Island, directing the inhabitants to attend the courts at St. Andrews as trymen. This alarmed the inhabitants, as they were threatened, in case of refusal, to be deprived of their estates. Some weak and designing minds were for complying, others determined not, at all events. Application was made to me by Colonel Allen, the naval officer, Colonel Crane, Major Trescott, with a number of other principal gentlemen, to do something to counteract the proceedings of Mr. Wyer, as it would be very detrimental to the claims of our Government, in settling the boundary in regard to the islands, for the inhabitants to obey and acknowledge the jurisdiction of Great Britain—therefore, I went on to the island, and warned them, (as a justice of the peace,) that as they were subjects of this Commonwealth, not to obey the orders of any other power whatever. This I conceived it to be my duty to do, more particularly as it is part of my district as collector of excise, and I have a deputy on the same island. This matter is of the utmost consequence to our Government; for should the British take in these islands, we should be entirely cut off from going up the river Schoodic, and likewise

these islands having been surveyed by order of the Commonwealth and two of them sold to gentlemen who had laid out as much as £500 or £600 in buildings and improvements, our Government must, in honor, protect them, or repay what damages they may suffer. Since this matter has taken place, I was up to St. Andrew on some business of my own, and had a long conversation with Mr. Wyer, the high sheriff, Mr. Pagan, and other principal persons. They say they acted by advice and directions of Judge Ludlow who is of opinion that all the islands in the bay of Passamaquoddy belong to New Brunswick, and are determined to support their claim, and should the inhabitants refuse to obey the summons, they may depend on being punished. They also let me see a long letter from Lord Sidney, wherein he informs that notwithstanding the opinion of the Massachusetts, and the report of Generals Knox and Lincoln, (which was then before him,) his Majesty's servants were fully clear that Schoodic was the boundary, and his Majesty's subjects settled between that and the Maggacadava (or what we call St. Croix) might fully rely on their protection. Mr. Wyer made use of many arguments to show the propriety of their claims to all the islands; among others, he said, before the war the inhabitants on all of them, in any of their disputes, applied to magistrates belonging to Nova Scotia for redress, and acknowledged themselves subjects of that province, and the Massachusetts not asserting any right over them, was tacitly acknowledging it to be so.

I hope your Excellency will not think I have been too forward. I acted from a principle of public good. Agreeably to the principles they advance, (as well as Lord Sheffield's ideas in his publications,) if the inhabitants should acknowledge the jurisdiction of that Government, it would more fully support their claims, which I hope will now not be the case. The time was so short, it would not admit of the inhabitants receiving any orders from your Excellency on the subject, before the time they were directed to attend. I shall continue to keep a deputy collector of excise on Moose Island, to regulate that business, until I receive orders from your Excellency to the contrary.

I have the honor to be, &c., JAMES AVERY.
His Excellency James Bowdoin, Esquire.

True copy of the original letter.

Attest:

W. HARRIS, *Dy. Secretary.*

Commonwealth of Massachusetts, }
In Council, September 9, 1785. }

His Excellency the Governor laid before the Council a letter from James Avery, Esquire, relative to the Government of New Brunswick asserting their claims to Moose Island, Dudley, and Fred Island, all lying to the westward of Schoodic river, and requested their advice upon the subject.

Thereupon, advised that his Excellency the Governor acquaint James Avery, Esquire, that the Governor and Council highly approve of his vigilant attention to the important interests of the Commonwealth; and that the said James Avery be directed to inform the inhabitants of the said islands that the said islands are within the jurisdiction of this Commonwealth; and that the Government, confiding in their fidelity, expects and requires the inhabitants of the same to conduct themselves in every respect as becomes true and faithful subjects of this Commonwealth.

That a letter be written by his Excellency the Governor to the Governor of New Brunswick upon the subject of these encroachments, and that a copy of the letter from James Avery be sent to our Delegates at Congress, with the proceedings of the Governor and Council upon this business, to be laid before Congress.

True copy. }
Attest: } W. HARRIS, *Dy. Secretary.*

FROM THE GOVERNOR OF MASSACHUSETTS TO THE GOVERNOR OF
NEW BRUNSWICK.

Commonwealth of Massachusetts, }
Boston, September 9, 1785. }

Sir,

I am informed by a gentleman who is an inhabitant in the eastern part of this Commonwealth that the Government of New Brunswick hath *asserted* a claim to Moose, Dudley, and Fred Islands; but I flatter myself he has extended his ideas beyond the real fact, for he mentions only the conduct of the sheriff of your county of Charlotte, (Mr. Wyer,) grounded on the advice and direction of Judge Ludlow, in advertising and directing the inhabitants of Moose Island to attend the courts at St. Andrews as jurymen, upon pain, in case of refusal, of forfeiting their estates.

As I am not informed that your Excellency has interposed your authority, I am inclined to believe that my informant had been premature in forming an opinion, that the Government of New Brunswick had given its sanction to a measure altogether unexpected and insupportable. I have, however, given your Excellency this information, assuring myself that your Excellency will take order effectually to prevent the abovementioned, and every other encroachment, on the territorial rights and sovereignty of this Commonwealth and of the United States.

With regard to the lands lying to the east of the river Schoodic and between that and the river St. Croix, or, as the Indians call it, Maggacadava, relative to which some of the subjects of Great Britain, under your immediate government, appear to have adopted an improper opinion, it is a matter before Congress, who, I am assured, will give instructions to their Minister at the Court of London to assert and maintain their just claims, as set forth in the treaty agreed to between the two nations.

I have the honor to be, &c.,

JAMES BOWDOIN.

His Excellency Thomas Carleton, Esquire.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, November 1, 1785.

Dear Sir,

It will, I am persuaded, give you pleasure to receive the enclosed act of Congress, of 14th ult., for compensating the services of our friend Dumas, and alleviating the uneasiness and anxiety which seems for some years past to have oppressed him on that account.

I have already sent him a copy of it; but lest that may miscarry, and that you also may be informed of it, I enclose a duplicate copy.

I have the honor to be, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, November 2, 1785.

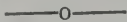
Dear Sir,

Mr. Houdon, the celebrated statuary of Paris, who has taken a bust of General Washington, and is to make his statue for Virginia, and *perhaps* another for the United States, is the bearer of this.

His character as an artist being high, and in other respects, as far as I can learn, unexceptionable, I take the liberty of introducing him to you. Not understanding English, he will be much a stranger in London, and your friendly offices of course will be the more acceptable and grateful to him.

I am, dear sir, &c.,

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 25, 1785.

Dear Sir,

Yesterday I had a long conference with Mr. Pitt for the first time. He never had proposed any interview with me, and I had delayed to request him to appoint any time, after the first ceremonial visit, for two reasons: because that, while Parliament was sitting, his time and mind were so engaged, that it was impossible he should attend in earnest to the affairs of the United States; and because I expected that a little time would bring, both from America and Ireland, intelligence which would somewhat lessen that confidence, with which the Ministry and the nation were elated. Such intelligence has now arrived. The twenty resolutions have been, in effect, given up, that they might not be rejected by the Irish Parliament; and the Massachusetts act of navigation has appeared, together with advices from Virginia, Philadelphia, New York, and various other parts of the United States, which have excited a serious apprehension that all have the same principles and views.

I shall not attempt to give you the conversation in detail; yet it is necessary to give some particulars, from which you may judge how much or how little may result from the whole. He asked me what were the principal points to be discussed between us? I answered, that I presumed the Marquis of Caermarthen had laid before the King's servant some papers, which I had done myself the honor to write to him. He said he had. I replied, that those letters related to the evacuation of the posts upon the frontier; to the construction of the armistice; and to a treaty of commerce; and that, besides these, there were the negroes carried off contrary to the treaty, and some other points, which I had particularly explained to Lord Caermarthen. He said that the carrying off the negroes was

so clearly against the treaty, that they must take measures to satisfy the demand, if we could prove how many were carried off. I told him that Sir Guy Carleton could easily ascertain the number, and that Colonel Smith, who negotiated with Sir Guy, could do the same, and that I had the evidence of their proceedings ready to produce whenever it was wanted. He entered then into the subject of the armistice, and we were longer on this point than we needed to have been. I observed to him that Mr. Blowers's construction was demonstrably absurd, because it would place the whole coast of America in the period of five months. The coast of the United States certainly was not between the Canary Islands and the equator, and, therefore, could not be included in the period of two months. It is neither in the Channel nor North Seas, and therefore cannot be within the period of twelve days; consequently, if it is not in the period of one month, it must be in that of five months—an idea that never could have been entertained a moment by either of the contracting parties. Mr. Pitt said he thought that was clear, and that this point might be easily settled; but, as to the posts, says he, that is a point, connected with some others, that I think must be settled at the same time. I asked him what those points were? He said, the debts; several of the States had interfered against the treaty, and by acts of their Legislatures had interposed impediments to the recovery of debts, against which there were great complaints in this country. I replied to this, that I had explained this at great length to the Marquis of Caermarthen, but that I might now add, that Congress had, very early after the peace, proposed an explanation of the article, as far as it respected the interest of debts contracted before the war. They had instructed their Ministers at Paris to propose such an explanation to this Court; that we had proposed it, through Mr. Hartley first, and the Duke of Dorset afterwards, and that I had renewed the proposition to my Lord Caermarthen, upon my first conference with him, but that we had never received any answer. I thought it was best there should be an explanation; for I was persuaded that an American jury would never give any interest for the time which run during the war. Mr. Pitt said that would surprise the people here, for that wars never interrupted the interest nor principal of debts; and that he did not see a difference between this war and any other, and the lawyers here made none. I begged his pardon here, and said, that the American lawyers made a wide

difference. They contended that the late war was a total dissolution of all laws and Government, and consequently of all contracts made under those laws, and that it was a maxim of law, that a personal right or obligation, once dissolved or suspended, was lost forever; that the intervention of the treaty, and the new laws, were necessary for the revival of those ancient rights and obligations; that these rights were in a state of non-existence during the war, and no interest during that period could grow out of them. These being the opinions in America, it was not probable that any jury would be found, from Georgia to New Hampshire, who would give, by their verdict, interest to a creditor, and, therefore, it was most fair and equitable that an explanation should be made, that the same rule of law might be observed on both sides. This observation appeared to strike him, he said. If there was any danger of this, it would be best that an explanation should be made, but that the balance of debts was much in favor of this country; which I did not deny. But, he said, the Government would not dare to make it, without previously feeling out the dispositions of the persons chiefly interested, and knowing how it would be taken by them. We had a much longer conversation concerning these debts, and the difficulty of paying them, arising from the restrictions on our trade, in which I repeated to him what I had before said to Lord Caermarthen, and to the deputies of the Scotch creditors; but as I have transmitted that to you before, it is unnecessary to repeat it here.

He then began upon the treaty of commerce, and asked what were the lowest terms which would be satisfactory to America; I answered that I might not think myself competent to determine that question. Articles might be proposed to me that I should not think myself qualified to decide upon without writing to Congress; but I would venture so far as to say that I thought the project I had communicated to Lord Caermarthen would give satisfaction to America, and secure the friendship of the United States and the essence of their trade to this country. But that, in proportion as a plan less liberal was adopted, that friendship would be precarious and that trade would be scattered. I added, that the most judicious men in America had been long balancing in their minds the advantages and disadvantages of a commerce perfectly free on one side, and a navigation act on the other; that the present time was a critical one; the late intelligence from all parts of America concurred with the

navigation act of Massachusetts in proving which way the balance began to incline; and in my opinion it would be decided by the conduct of this country. It was now in his (Mr. Pitt's) power to decide it; but the more Americans reflected upon the great advantages which they might derive from a navigation act, the more they would become attached to that system. I had heard there were five hundred foreign ships employed the last year in the commerce of the United States. How easy would it be to have all these ships the property of American citizens, and the navigators of them American seamen? There was once a statute in England (that of 3 Ric. 2, c. 3) "that none of the King's liege people should ship any merchandize out of, or into the realm, but only in ships of the King's liegeance, on pain of forfeiture." I asked him what physical or political impediment there was to prevent the United States from adopting that very act, in all its rigor? The right of every nation to govern its own commerce, its own exports and imports, would not be denied nor questioned by any nation. To this he agreed. Our ability to build the ships and our abundance of materials could not be doubted. This he assented to. Nobody would pretend that our produce would not find a market in Europe in our ships, or that Europeans would not sell us their manufactures to carry home in them. Even England, if she should make ever so strict laws to prevent exports and imports in our bottoms, would still be glad to receive and consume considerable quantities of our produce, though she imported them through France or Holland, and to send as many of her manufactures as we could pay for through the same channels.

He more than smiled assent to this, for he added that there were American articles of much importance to them, but he said that Englishmen were much attached to their navigation, and Americans too, said I, to theirs; but, said he, the United States, having now become a foreign nation, our navigation act would not answer its ends, if we should dispense with it to you. Here I begged his pardon again, for I thought their navigation act would completely defeat its own end as far as it respected us; for the end of the navigation act, as expressed in its own preamble, was to confine the commerce of the colonies to the mother country; but now we were become independent States. If carried into execution against us, instead of confining our trade to Great Britain, it would drive it to other countries. This he did not deny; but, said he, you allow we

have a right. Certainly I do. And you, sir, will allow we have a right too. Yes, I do. But you cannot blame Englishmen for being attached to their ships and seamen, which are so essential to them. Indeed I do not, sir; nor can you blame Americans for being attached to theirs, which are so much fewer and so much more essential to them. No, I do not blame them.

As this was a very sprightly dialogue, and in very good humor, I thought I might push it a little. I will be very frank with you, sir, said I, and I think it will be best for us to go to the bottom of these subjects. The Americans think that their exclusion from your West India Islands, the refusal of their ships and oil, and other things, and their exclusion from your colonies on the continent and Newfoundland, discovers a jealousy of their little naval power, and a fixed system of policy to prevent the growth of it, and this is an idea that they cannot bear. No, says he, if we endeavored to lessen your shipping and seamen, without benefitting or increasing our own, it would be hard and unreasonable, and would be a just ground of uneasiness; but when we only aim at making the most of our own means and nurseries, you cannot justly complain. I am happy, sir, to hear you avow this principle, and agree with you perfectly in it. Let us apply it, both parties having the right and the power to confine their exports and imports to their own ships and seamen. If both exercise the right, and exert the power in its full extent, what is the effect? The commerce must cease between them. Is this eligible for either? To be sure, said he, we should well consider the advantages and the disadvantages in such a case. If it is not found to be eligible for either, said I, after having well considered what remains, but that we should agree upon a liberal plan, and allow equal freedom to each other's ships and seamen, especially if it should be found that this alone can preserve friendship and good humor, for I fully believe that this plan alone can ever put this nation in good humor with America, or America with this country. He then mentioned ships and oils. He said we could not think hard of them for encouraging their own shipwrights, their manufacturers of ships, and their own whale fishery. I answered, by no means; but it appeared unaccountable to the people of America that this country should sacrifice the general interest of the nation to the private interest of a few individuals interested in the manufacture of ships, and in the whale fishery, so far as to refuse these remittances from America

in payment of debts, and in payment for manufactures which would employ so many more people, augment the revenue so considerably as well as the national wealth, which would, even in other ways, so much augment the shipping and seamen of the nation. It was looked upon in America as reconciling themselves to a diminution of their own shipping and seamen, in a great degree, for the sake of diminishing ours in a small one; besides keeping many of their manufacturers out of employ, who would otherwise have enough to do; and besides greatly diminishing the revenue, and consequently contrary to the maxim which he had just acknowledged, that one nation should not hurt itself for the sake of hurting another, nor take measures to deprive another of any advantage without benefitting itself.

He then asked if we could grant to England, by a treaty, any advantages which would not immediately become the right of France. I answered, we could not. If the advantage was stipulated to England, without a compensation, France would be entitled to it without compensation. But if it was stipulated for an equivalent or reciprocal privilege, France must allow us the same equivalent or reciprocal privilege; but, I added, France would not be a very successful rival to Great Britain in the American commerce, upon so free a footing as that of the mutual liberty of natural-born subjects and citizens. Upon the footing of the most favored nation, France would stand a good chance in many things. In case of mutual navigation acts between Britain and America, France would have more of our commerce than Britain. In short, Britain would lose and France gain, not only in our commerce, but our affections, in proportion as Britain departed from the most liberal system. Upon this he asked a question which I did not expect. What do you really think, sir, that Britain ought to do? That question, sir, may be beyond my capacity to answer, and my answer may be suspected; but if it is, I will answer it to the best of my judgment, and with perfect sincerity. I think this country ought to prescribe to herself no other rule, but to take from America everything she can send as a remittance; nay, to take off every duty, and give every bounty that should be necessary to enable them to send anything as a remittance. In this case, America would prescribe to herself no other rule than to take of British productions as much as she could pay for. He might think this no proof of our republican frugality; but

uch was the disposition of our people, and how much soever I might lament it, I would not disguise it. He then led me into a long rambling conversation about our whale fishery, and the English whale fishery, and the French whale fishery, that M. de Calonne is essaying to introduce, too little interesting to be repeated; yet I should mention that he asked me a sudden question: whether we had taken any measures to find a market for our oil anywhere but in France? This question must have been suggested to him, I think, either by information that our oil is wanted in some countries upon the Continent, or by a suspicion that we have been trying to introduce our oil into Ireland. I answered that I believed we had; and I have been told that some of our oil had found a good market at Bremen. But there could not be a doubt that spermaceti oil might find a market in most of the great cities in Europe, which were illuminated in the night, as it is so much better and cheaper than the vegetable oil that is commonly used. The fat of the spermaceti whale gives the clearest and most beautiful flame of any substance that is known in nature, and we are all surprised that you prefer darkness, and consequent robberies, burglaries, and murders in your streets, to the receiving, as a remittance, our spermaceti oil. The lamps around Grosvenor Square, I know, and in Downing street, I suppose, are dim by midnight, and extinguished by two o'clock; whereas, our oil would burn bright until nine o'clock in the morning, and chase away before the watchmen all the villains, and save you the trouble and danger of introducing a new police into the city.

He said he owned he was for taking advantage of the present short time of leisure to mature some plan about these things. I told him I rejoiced to find that was his opinion, and that I would be at all times ready to attend him, or any other Minister, whenever any explanation should be wanted from me; that I was anxious for an answer concerning the posts, as I was in duty bound to insist on their evacuation. He said he thought that connected with several other points, and should be for settling all these together, so that he must reserve himself at entire liberty concerning them.

I am sorry that, in representing all these conversations, I am obliged to make myself the principal speaker; but I cannot get them to talk. The reason is, they dare not; all must be determined in the Cabinet, and no single Minister chooses to commit himself by giving any opinion which may be ever quoted to his disadvantage by any party.

This is not only the state of mind of every Minister, but of every Ministry. They have an unconquerable reluctance to deciding upon any thing, or giving any answer; and although Mr. Pitt and Lord Caermarthen have hazarded opinions upon same points to me, I do not believe I shall get any answer, officially, from the Cabinet or the Minister of Foreign Affairs. I wish for an answer, be it ever so rough or unwise. Mr. Pitt, I confess, was much more open than I expected. He was explicit in my favor relative to the negroes, the armistice, and for digesting the whole in the present leisure, and giving me an answer. I should rejoice in a Cabinet answer to all my letters, and especially in a counter-project of a treaty; but I will be so free as to say, I do not expect any answer at all before next spring; nor then, unless intelligence should arrive of all the States adopting the navigation act, or authorizing Congress to do it; and, even in that case, I am inclined to think they will try the experiment, and let our navigation acts operate, to satisfy themselves which people will first roar out with pain. They deceive themselves yet in many points, which I may enumerate in a future letter.

From what Mr. Pitt said, I am convinced we shall have no answer concerning the posts.

With great respect, &c.,

JOHN ADAMS.

This letter will be delivered to you by Mr. Charles Storer, your old acquaintance, who has served me much as a private secretary, and that without fees.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 28, 1785.

Sir,

I do myself the honor to enclose to Congress the statute of 25 Geo. 3, c. 81, for the better securing the duties payable on tobacco, and another statute of the 25 Geo. 3, c. 67, to prohibit the exportation to foreign parts of tools and utensils made use of in the iron and steel manufactures of this kingdom, and to prevent the seducing of artificers or workmen employed in those manufactures to go into parts beyond the seas. The prohibited tools are all enumerated,

and stamps, dog-head stamps, pulley stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts, in iron, steel, or other metal, which are used for giving impressions to metal, or any parts of these several articles, presses of all sorts, called cutting-out presses, beds and punches to be used therewith, piercing presses of all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together, iron or steel dies to be used in stamps or presses, either with or without impressions on them, rollers of cast-iron, wrought-iron, or steel, for rolling off metals, and frames for the same, flasks for casting moulds, and boards used therewith, lathes of all sorts for turning, burnishing, polishing, either the whole together or separate parts thereof, lathe-strings, polishing brushes, scouring or shading engines, presses for horn buttons, dies for horn buttons, shears for cutting of metal, rolled steel, rolled metal, with silver thereon, parts of buttons not filled up into buttons or in an unfinished state, engines for chasing, stocks for casting buckles, buttons, and rings, cast-iron anvils and hammers for forging mills for iron and copper, rollers, litters, beds, pillars, and frames for slitting mills, die-sinking tools of all sorts, engines for making button shanks, laps of all sorts, drilling engines, tools for pinching off glass, engines for covering of whips, polishing brushes, bars of metal covered with gold or silver, iron or steel screw plates, pins and stocks for making screws, or any other tool or utensil whatsoever.

I have transcribed this catalogue because I think it is very proper that gentlemen should attend a little to it. It shews the spirit of this country towards the United States, and summarily comprehends a volume of politics for us. I suppose these tools may be had in France, Germany, and elsewhere, if a British statute was a bar to our getting them in Great Britain. I think it would be worth while for our American academies to make collections of them for their museums. Such a collection would be a great curiosity, and more profitable to our country than more costly collections of shells, birds, beasts, or fishes. If, however, such a collection could not be made, a work may be had in Paris, entitled "*Art et Métier*," in which, I suppose, every one of them is described and represented by an engraved stamp, from which our workmen may copy it.

With great esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 29, 1785.

Sir,

The United States began their career upon the most liberal system of commerce. France met them with a liberal system too or rather with an artful appearance of it. Her practice during the war was more liberal than the treaty. Since the peace she has contracted it a little, as she had a right to do, by excluding some of our produce and some of our ships from her West India Islands and, indeed, the freedoms that the most favored nation enjoys in her ports in Europe, are by no means so ample as those which we have allowed to her in the ports of the United States. The words monopoly, prohibition, exclusion, and navigation acts, have acquired in the world a kind of philosophical unpopularity; but whether the things signified by them will be abolished so soon as some speculators imagine, may be doubted. If there is any people upon earth who have a right to insist upon the abolition of them in their own commerce, they are the Americans; but we have seen the reluctance of France, and especially of England, to give them up; a strong disposition has appeared to make a greater advantage of their monopolies by our liberality.

A short sketch of the commercial conflict between France and England, during the reigns of the Stuarts, may serve to show the effects of prohibitions, and the probability that England will not easily renounce them. It will shew also the probable effects of their policy towards us, if we should not counteract it by reciprocal restrictions.

The house of Stuart, and the principal leaders in their Parliaments, were pensioners of France, and so attentive to her interests, that she obtained the supply of England, Scotland, and Ireland, with the manufactures of linens, silks, paper, wines, and brandies, to the amount of one million six hundred and fifty thousand pounds yearly, while she took from England, in return, only two hundred thousand pounds value yearly, of lead, tin, leather, alum, copperas, coals, horn plates, &c., and plantation goods, which left a balance of one million four hundred and fifty thousand pounds to be yearly paid to France in money; she possessed as great advantages with Ireland and Scotland, in proportion to their trade.

This disproportion was owing to the protecting duties that English woolen goods were subject to in France, from twenty-four to forty per cent. on their value; by the tariff renewed in 1654, and by another tariff in 1699, they were raised from thirty-six up to fifty-five per cent. on their value; and Spanish cloth, made in England, was prohibited by the edict of 1701; and in the mean time French silks were only subject to a duty of thirteen up to twenty-three per cent. on the value imported into the British dominions; and linens about even up to fifteen per cent. on their value; whereby their manufactures and produce, imported into England alone, yearly stood thus about the year 1664, and up to 1678, viz:

French linens	£600,000
Manufactured silks	500,000
Wines	450,000
Brandies	70,000
Paper	30,000
Total	<u>£1,650,000</u>

They also imported into England gold and silver lace, and many other articles of luxury not here enumerated. This exhausting drain excited murmurs, and aroused the landed interest to unite with the trading interest in 1678, in passing an act prohibiting the French trade, in opposition to the Court interest. In the preamble of the act, they say "that the importation of the product and manufactures of France had exhausted the treasury of the nation, lessened the value of native manufactures, and caused great detriment to the kingdom in general."

The advance of woolen manufactures for home consumption and exportation, in consequence of the prohibition of the French trade in 1678, raised the price of wool, and all dying stuffs dependent on it, from forty to fifty per cent., and gave such general employment to people, and such a rise to land, as was scarcely conceivable in the space of two or three years. This happy change in the circumstances of England was but of short duration; for on James the Second's accession to the throne in 1684 he called a new Parliament, who, in compliance with his wishes and to gratify his allies, the French, repealed the prohibitory act of 1678. The Parliament of England, however, to soothe and temporize with the people, when they had restored the French trade, resolved that all persons should

wear the woolen manufactures of England six months in the year but the French, notwithstanding this parliamentary non-importation resolution, poured into England upwards of four millions' value of their manufactures, and put a general stop to all the English manufactures, and, with them, to the payment of rents. The scene that followed will be a warning to Ministers. Before three years expired from the repeal of the law prohibiting the French trade, England was roused from her lethargy, banished forever the promoters of such measures, and called in and crowned the Prince of Orange. One of the first acts of King William's first Parliament was to prohibit the French trade, "as a nuisance to the kingdom;" and at that day, on stating the trade between England and France, it appeared that England gained by the prohibition of the French trade no less than £1,450,000 yearly.

At the treaty of Utrecht the French, with the assistance of the Administration of the last years of Queen Anne's reign, attempted to have their trade with Britain restored. The Earl of Stafford and the Bishop of Bristol conducted the interests of Britain; the Marquis Marquis d'Huxelles and Nicholas Mesnager, Louis the Fourteenth's Private Secretary, a well-informed statesman, those of France. They signed a treaty of commerce the 31st March, 1713, subject to the approbation of the Parliament of Great Britain. The Bishop was no match for Mesnager, who bound the British manufactures to pay by a tariff made in France so far back as the 18th September, 1664, whereby English woolen cloth (the only article of consequence they had at that day to export to them) was subject from thirty to forty per cent. duty on the value, and on the lowest rated British articles twenty-four and a half per cent.; and the duties to be paid in Britain on French wrought silks did not exceed seventeen and a half per cent., and those of lockram, dowlas, and all sorts of linens, not above ten per cent. of their value at a medium; and before the revolution, France supplied all the better sort of linens used in Britain and Ireland, of every denomination, as the trade for Dutch and German linens was introduced in consequence of the prohibitions laid on the French trade in 1678, and reenacted the first year of William and Mary.

Mesnager's treaty of commerce was opposed by all the trading interests of Great Britain, and rejected by the House of Commons. In 1714 the Queen died, and with her all sincere disposition for treaties of commerce with France.

France, however, still wishes for some treaty of commerce, and proposes it at every peace. She got it stipulated as an article in the last, and Mr. Crawford has been appointed; but I suppose the improbability of his being authorized to do any thing, has occasioned the late edicts of the French Court against English manufactures.

Most of the foregoing anecdotes of commercial history I have taken from an Irish publication, which compares the conduct of the present Administration towards Ireland to that of the Stuarts. It is well worthy the attention of America. We may learn from it what probability there is of Mr. Crawford's success, or rather we may infer from it that that commissioner was probably appointed, because it was not intended there should be any thing for him to do.

We may also conclude from it that the English are now pursuing towards the United States of America the same policy which the French practised towards them in the reigns of the Stuarts. If we suffer such enormous duties to be laid by them as are now paid upon our tobacco, and oil and other articles, and do not pursue some measures to prevent the operation of them, the balance against us will be enormous, and the drain too exhausting.

The law prohibiting the exportation of tools and the emigration of workmen, is to prevent us from setting up manufactures in America, and to prevent any other nation from setting them up in order to supply us. When we see them thus in every way attack our manufactures of all sorts, especially of ships, our nurseries of seamen, our merchants, and every thing within their reach, and seem to be determined to force their goods upon us at their own prices, we have no choice but to counteract them by navigation acts, prohibitions, protecting duties, and bounties.

With great and sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 30, 1785.

Sir,

The more I consider what I see and hear every day, the more I am inclined to think we shall be obliged to imitate the Utopians, who, as Sir Thomas More informs as to their exportation, "thought

‘it better to manage that themselves than to let foreigners come and
‘deal in it, for, by this means, as they understand the state of the
‘neighboring countries better, so they keep up the art of navigation
‘which cannot be maintained but by much practice in it.’

I would not be understood, however, to wish that the United States should at present proceed farther than to exclude British ships from “coming and dealing” in our exportations. Other nations may be permitted, for any thing that I know, without inconveniency. At least the experiment may be tried. Other foreign nations will probably have few ships employed in this way. England, Scotland and Ireland would have many; but if it should be found that British ships are Frenchified, Dutchified, or otherwise metamorphosed, in order to manage any part of our exportations. I hope the States will not hesitate to make the prohibition universal to the ships of all nations, and confine their exports to their own. There is no other way that I know of in which we can compensate ourselves, for the rigorous exclusion of American-built ships from the British dominions upon which all parties here, I fear, are determined. The popular cry has been universal, as I am informed. “What, shall the United States be our ship carpenters? Shall we depend upon a foreign nation for our navigation? In case of war with them, shall we be without ships, or obliged to our enemies for them?”

With regard to duties, will our countrymen be long contented to pay four or five hundred per cent. upon their tobacco, and fifty per cent. upon other articles of their produce in the ports of Great Britain, while British subjects pay but ten per cent. upon the importation of any of their commodities in our ports? I do not believe they will. They will rather lay duties upon British luxuries to repay their own citizens the duties they pay in British ports. It is indeed impossible to foresee where this conflict of prohibition and duties will end. It is impossible to conjecture what the English will attempt. I am not easy about the negotiations now on foot with France and Spain. I have not yet sufficiently explained myself to you upon this subject.

By the 18th article of the definitive treaty of peace between France and England, signed at Versailles the 3d of September, 1783, it is stipulated that immediately after the exchange of the ratifications, the two high contracting parties shall name commissaries to treat concerning new arrangements of commerce between the

two nations, on the basis of reciprocity and mutual convenience, which arrangements shall be settled and concluded within the space of two years, to be computed from the first of January, in the year 1784.

In the ninth article of the definitive treaty between Great Britain and Spain, there is a stipulation in the same words, and the Duke of Manchester made a declaration to each of these Powers at the same time, "that the new state in which commerce may, perhaps, be found in all parts of the world, will demand revisions and explanations of the subsisting treaties."

In compliance with these stipulations and declarations, Mr. Crawford was long ago sent to Paris to treat with the Court of Versailles, and Mr. Woodward is lately appointed here to treat with Mr. Del Campo, on the part of Spain. Mr. Crawford transmitted to his Court, a year ago, a plan which he received from the French Minister; but I know from the Duke of Dorset, who told me himself that Mr. Crawford had no answer from England for six months, and indeed I conjecture that he had none till since the edict of the French King prohibiting British manufactures. If these arrangements are not made before the first of January, the two years will be expired, and nothing more will be said of them until another war and peace. But, I confess, I shall be anxious until new year's day; the conduct of this Court in these discussions with France and Spain is very interesting to us, as it will throw much light upon their intentions towards us. There are great appearances of a fixed intention to keep the peace with France and Spain for a long period. The late advice of the Ministers of the King of Great Britain to the Elector of Hanover, to join the league of the King of Prussia, against the views of the Emperor and Empress, can be accounted for on no supposition but that of a determination, in all events, to preserve their peace with France and Spain. Whence this love of France or of Spain? Neither is a natural passion in an English breast; let my country answer, "it is not love of me." On the contrary, although I wish not to alarm my fellow-citizens, it appears to me that the plan of this country towards us is nearly settled, it is not fully, and will not be until the next budget is opened; the next budget will decide the fate of this country, and especially her system towards the United States.

If Mr. Pitt should be then, in 1786, able to justify his hypothesis at the opening of the budget in 1785, and shall be able to shew that

the taxes have increased in the proportion with the hope of which he flattered himself and the nation, this Government will the preserve the peace with France and Spain, at almost any rate persevere in their system of commerce respecting the United States of America, in spite of all your arguments and remonstrances, prohibitions and retaliations, and ultimately attack you with a new war. In my private opinion, in the mean time, it is their fixed design to keep possession of the posts on the frontier. Sir John Johnson is certainly going out, and it is given out that fifteen hundred men are going to Quebec, and materials, engineers, and workmen, for large fortifications in Nova Scotia.

In short, sir, America has no party at present in her favor; all parties, on the contrary, have committed themselves against us except Shelburne and Buckingham, and the last of these is against a treaty of commerce with us, so is even Mr. Temple, who is gone out to New York, appointed, as I suppose, in compliment to his namesake, the Marquis of Buckingham. I had almost said the friends of America are reduced to Doctor Price and Doctor Jebb. Patience, under all the unequal burthen they impose upon our commerce, will do us no good, it will contribute in no degree to preserve the peace with this country. On the contrary, nothing but retaliation, reciprocal prohibitions, and imposts, and putting ourselves in a posture of defence, will have any effect.

This country can furnish their West India Island, and continental colonies, and Newfoundland, so that we cannot suddenly make them feel. We cannot prevent the introduction of their manufactures among us so effectually as to make them feel us very soon. They may lessen the duties on Spanish tobacco, so as to make the Spaniards our rivals, and hurt our tobacco States. There are many ways in which they may hurt us, of which we should be apprized beforehand. Ships and oil, all men say, will never be received of us.

I hope the States will be cool, and do nothing precipitately; but I hope they will be firm and wise, confining our exports to our own ships, and laying on heavy duties upon all foreign luxuries, and encouraging our own manufactures appears to me to be our only resource, although I am very sensible of the many difficulties in the way, and of the danger of their bringing on, in the course of a few years, another war. Nothing but our strength and their weakness

will, in my opinion, protect us from such a calamity. They will never again pour large armies into the United States; but they think they can distress us more by cutting off all our trade by their shipping, and they mean that we shall have no ships nor sailors to annoy their trade.

I would, however, advise the States to suspend their judgments as much as they can, without suspending their navigation acts, until another spring and summer shall have developed the British system of politics in Germany, their plans with France and Spain, and, above all, the state of their debts and taxes, and their credit.

I do not believe the Ministers have yet digested their own system. It will depend still, in some measure, upon contingencies. There is a taciturnity among them that is very uncommon. They have spies in every corner who can carry them every whisper as punctually as the police of Paris. I wish I had the better means of obtaining intelligence from them, and watching their words and actions; but information of this kind is costly beyond my revenues.

With great esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, August 31, 1785.

Sir,

The Marquis of Caermarthen told me a story of an Italian Ambassador who resided at this Court some years ago, which was very humorous. It was his Excellency's practice to take all the newspapers every morning, and make up his despatches by transcribing paragraphs from them. He began very gravely, "*Ho penetrato*," and went on from those words to translate whatever he found, which could amuse or inform his Court. No doubt, he acquired a great reputation at home for address, vigilance, and sagacity in making so many wonderful discoveries. The Italian was not singular. There are many correspondences carried on with an air of mystery and profound secrecy, whose intelligence is derived from no better sources. I shall not adopt this method of making revelations to you, though, I confess, I have no other means of obtaining information or making discoveries which are much better than the newspapers.

It is the practice of Ministers here, when they have in contempla-

tion a project of whose utility, practicability, necessity, expediency, or popularity they are doubtful, to set some writer to compose a pamphlet, or a number of writers to compose paragraphs in the newspapers. The pamphlets and paragraphs are read in the coffee-houses, and other places where the politicians assemble, by the ministerial runners, who take down the observations they hear, and report them to the Ministers. This method has been tried concerning the projected admission of American ships and oil, and the unanimous voice was found to be decidedly pronounced against it. This, however, was, I presume, upon the presumption that the Americans could never unite in retaliation; that it would be many years before they could act as a nation, and that the United States could never make a navigation act. This is the principle upon which this nation, after the peace, decided its judgment concerning the system that ought to be adopted relatively to the United States. In conference with Mr. Pitt, I made this remark to him: I told him that since I had been in England, I had made it my business to collect and read every thing which had been written and published since the peace upon the commercial relations between Great Britain and the United States. That I found every one of these writers who was for limiting and restraining the American commerce by prohibitions, alien duties, &c., laid it down as the fundamental principle of his system, that in all events this country was sure of the American commerce, because we could not unite and act as a nation in any retaliating prohibitions or duties. This idea had been first suggested to Lord Sheffield by some of the American refugees, and had been communicated to the nation by him and other writers, who took it from him without sufficient examination. I ventured to give Mr. Pitt my opinions in very full terms, that this principle would be found to be an erroneous one by experience; that time would shew that the English nation had been misled in its judgment by this suggestion, which they had been too prone to believe, but might find to be an error when it would be too late. It is, however, by no means certain that the clearest refutation of that error, by the utmost unanimity in America, in any measures to defend their navigation, would now alter the public voice and public opinion here. The public is not to be easily reasoned out of a settled opinion, though it might have been easy, in the season of it, to have reasoned it into the settlement of a different opinion.

The papers are now filled with paragraphs, which an attentive reader may perceive are inserted, in order to feel out the sentiments of the people concerning a treaty of commerce with France, with Spain, with America, concerning the new Hanoverian engagements in Germany, and concerning the posts, negroes, debts, tories, and all other points in dispute with the United States. They are disguised in such a manner that it is scarcely possible to discover how the Minister inclines; nevertheless, some of them are in such a strain, and discover such an anxiety about the treaties of commerce in negotiation with France and Spain, that I suspect they (the Ministry) have made some propositions to those Courts, and are anxious both to know whether they will be accepted or not, and how they will be received by the British and Irish nations if they should be accepted; a few months' time will remove their and our solicitude upon this head.

I have the honor to be, &c.,

JOHN ADAMS.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, September 2, 1785.

Sir,

Mr. Temple is gone out as Consul General; whether he will be received or not in that character, before a treaty of commerce is made, I know not; if he should not, and should not be provided with credentials as Minister, he will probably wait for further instructions.

I have not made any proposition to the Ministry, as is customary, to send a Minister Plenipotentiary to America, and I shall not venture upon such a step without the instructions of Congress. My own private opinion is that it would be advisable to make the proposition, and to insist upon it, even so far as to recall me if it is not done. These appointments familiarize the people to the idea of the importance of the United States, and have much weight in Europe. But these are not the most important considerations. A British Minister at New York would constantly transmit intelligence to his Court, it is true; but true intelligence is better than false, which now circulates with too little control, and makes impressions at Court and in Parliament which it is not easy to remove.

If Congress, however, should receive Mr. Temple, whether they do or do not propose the appointment of a Minister, they will no

doubt appoint a Consul to reside in England, or a Consul General to reside in London, with power of appointing Vice Consuls in England, Scotland, and Ireland. Ireland is anxious to have one, and he would do great good. I am sure I need not explain myself more fully on that head. I have received many applications, but, as I have no authority, and desire to have none, I have not transmitted them to you. I have no relations or friends to promote; if I had, I certainly should not propose them merely for that reason. Indeed, I should be afraid to propose them, lest it should be for that reason; although I might think them qualified and meritorious.

The Consuls and Vice Consuls are very useful to Ambassadors and Ministers in many ways that I need not explain to you. There is generally a good understanding between them, and there always will be when proper men are appointed to both places.

I do not remember that I have ever proposed to Congress the appointment of a Consul in Holland. I might have made some new friends, or obliged some old ones, perhaps, by recommending them; I shall, however, recommend no one; but I cannot but think the office would be useful there; and in Sweden and Prussia too, for I suppose the treaty is concluded by this time. Consuls would explore new channels of commerce and new markets for our produce, as well as other sources of supply for us, that we may become less dependent upon England if she should continue unreasonable. Our tobacco and oil might find markets enough where they would have less duties to pay and procure a better price.

I know not whether Mr. Barclay would wish, or be willing, to be translated to London; but a man of his prudence and judgment, vigilance and fidelity, would be wanted here. There are many others, I hope, who have those virtues, and I do not mean to recommend one man more than another.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, September 3, 1785.

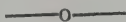
Dear Sir,

Mr. John Wingrove, the bearer of this letter, I believe will be found a very valuable citizen of the United States. His qualifications you may judge of from his conversation. He has had long

experience in the East Indies, and probably has a perfect knowledge of that country. I beg leave to introduce him to your civilities, and those of all good Americans.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, September 6, 1785.

Dear Sir,

Yesterday I received the two letters you did me the honor to write me on the 3d August. The instructions shall be obeyed as soon as possible.

As to a letter of credence to the Queen, I believe it will now be unnecessary; but, when you send me a letter of recall to the King, it may be proper to send another to the Queen; and when you send a new Minister, to give him a letter of credence to both. Such letters to a Queen consort can be but compliments and wishes of health and prosperity to her person and family, and recommending the Minister to her Majesty's royal benevolence. I did, in the time of it, give assurances to the Marquis of Caermarthen that the omission proceeded not from want of respect, and his Lordship sent my letter to the Queen, as he afterwards told me.

As to the posts, I think I shall have no answer until the meeting of Parliament approaches, and then I expect an answer to everything altogether, and that the surrender of the posts will be made conditional and dependent upon some arrangements or other concerning the debts. But the Ministers are all wrapped up in silence. I really do not wonder at it. The state of the nation is critical beyond all description. The people discontented, and the populace tumultuous. In short, sir, I have seen the time in Holland exactly like this here. I see now, as I saw then, what is not very prudent to talk about. I see that many personages of high rank, who want to converse with me freely, are afraid of being remarked, both at Court and by the mob. Indeed, I see this fear in many of the foreign Ministers. Mobs were never more apprehended or dreaded in Holland, during any part of my residence there, than they are now here. There is this difference: Nobody owns it here, whereas many did there. In case of a commotion, whether there would be

most compliments paid to me or my neighbor, Lord North, I know not. I am not, however, uneasy or apprehensive. There is one thing in my favor; the American cause has been ever most popular among the lowest classes in this country, and I think I have seen symptoms of the same disposition continually since I have been here. It was the same in Holland, and the time may possibly come when this disposition will be as useful here as I found it there. Indeed, almost all the Billingsgate you see in the papers is calculated to counteract this tendency of the people, who, without it, would depopulate many places by emigrations.

I have communicated to the Count de Reventlaw, the Danish Minister here, the resolution of Congress of the 21st of March, and have received, in his polite answer, an obliging assurance that he would transmit it to his Court.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, September 15, 1785.

Dear Sir,

Having so good an opportunity as this, by Mr. Charles Storer, I do myself the honor to transmit to Congress by him the ratification of the treaty and convention between the United States and the States General of the United Netherlands, which I received in exchange for the ratification of Congress transmitted to me.

I should wish that the receipt of it may be noted in the Journal of Congress, and acknowledged in your despatches to me. The seals are in elegant silver boxes, one to the treaty, and one to the convention.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, November 26, 1785.

Dear Sir,

Congress on Wednesday last made a House, and chose Mr. Hancock, President, but he being absent they appointed Mr. Ramsay, of South Carolina, to fill the chair for the present.

A considerable time had elapsed, during which a sufficient number of States to proceed on business were not represented. In this interval I had the pleasure of receiving your letters of 25th, 28th, 29th, 30th, and 31st August, and 2d, 3d, 6th, and 15th September last, together with the ratifications of the treaty and convention between the United States and the United Netherlands, with the seals to each enclosed in a silver box.

I have laid them all before Congress, and am persuaded that the testimony they bear to your unremitted attention to the interests of our country, will make as strong an impression on them as it does upon me.

There is reason to hope and expect that Congress will soon find leisure to attend more assiduously to their foreign affairs, and enable me to write more precisely on various subjects than I have yet been able to do.

My last letters to you were of the 1st November by Mr. Chollet, and of the 2d by Mr. Houdon.

I now transmit a copy of the proceedings of the commissioners, respecting the negroes carried from hence at the time of the evacuation, together with a list of them. It will enable you to negotiate a settlement of that business with less difficulty. It is to be observed that great numbers were carried from other places as well as from New York, and for whom the British Government ought in justice to make compensation. I shall endeavor to furnish you with such evidence of their numbers, &c., as I may be able to collect.

Mr. Temple is here, and his commission is now before Congress. I shall take the earliest opportunity of communicating to you their decision respecting it.

I herewith enclose a copy of an act of Rhode Island for vesting Congress with the power of regulating foreign trade. In one of the newspapers also sent, you will find another act of that State respecting navigation.

However discordant the various acts of the States on these subjects may be, they nevertheless manifest sentiments and opinions which daily gain ground, and which will probably produce a proper and general system for regulating the trade and navigation of the United States, both foreign and domestic.

The Federal Government alone is equal to the task of forming such a system, and it is much to be wished that partial and local

politics would cease to oppose vesting Congress with powers adequate to that great and important object.

I intended to have devoted this day entirely to writing to you, but I was unexpectedly called upon to attend a committee of Congress this morning, and the business before them makes it necessary for me immediately to report on another matter connected with it.

I am, dear sir, &c.,

JOHN JAY.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, October 15, 1785.

Dear Sir,

I have received the letter you did me the honor to write me the 6th September.

The act of Congress of the 18th of August, which you enclose, shall be communicated as directed.

I have the honor to agree fully with you in your opinion, that "it is manifestly as much the interest of this country to be well with us as for us to be well with them;" but this is not the judgment of the English nation, it is not the judgment of Lord North and his party, it is not the judgment of the Duke of Portland and his friends, and it does not appear to be the judgment of Mr. Pitt and the present set. In short, it does not at present appear to be the sentiment of any body; and I am much inclined to believe they will try the issue of importance with us.

I have insisted upon the surrender of the posts with as much earnestness as prudence would warrant, but can obtain no other answer than certain hints concerning the debts, and some other points, which are sufficient to convince me that the restoration of the posts will have certain conditions tacked to it. I have insisted in conversation, and have inquired in writing, but have not yet made a formal requisition by a memorial, in the name and by order of the United States; if I had done it, I should have compromitted my sovereign, and should certainly have had no answer; whenever this is done, it should be followed up. I shall certainly do it, if I should see a moment when it can possibly prevail. If it is the judgment of Congress that it should be done immediately, I should be glad of their orders, which shall be exactly obeyed, I should even wish they would prescribe to me the form of the memorial.

It is, indeed, as you observe, in the power of Congress to take a certain step, which would be longer and more sensibly felt by Britain, than the independence of the United States. You have not ascertained at the nature of this measure. I can conceive of more than one exclusion of British ships from all our exports, and a heavy duty upon British manufactures, is one; a defensive alliance with France, Spain, and Holland, is another. A case may happen in which this last might be justifiable; but I presume it will not hastily be adopted, nor ever without Canada and Nova Scotia, to be admitted into our Confederation, and one half, at least, of the best of the English West India Islands, besides stipulations for the admission of our produce freely to the French West India Islands, and some articles into France, duty free, with similar stipulations with Spain and Holland. I hope, however, the first measure will be adopted forthwith, and not the smallest article of our produce be permitted to be exported in British bottoms.

Mr. Barclay is appointed to go to Morocco, and Colonel Franks goes with him. Mr. Lamb to Algiers, and Paul R. Randall, Esquire, with him. There will be captives to redeem, as well as treaties to form.

I can obtain no answer from the Ministry to any one demand, proposal, or inquiry. In this I am not alone. It is the complaint of all the other foreign Ministers. The Dutch Envoy, particularly, told me yesterday that he could obtain no answer to any of his memorials, some of which were presented as long ago as last April. The Ministry, since the ill fortune of their studies in Ireland, have been in a lethargy; but they must soon awake. Mr. Pitt has long had with him in the country our project of a treaty, and it cannot be long before he comes to some determination. They have had lately evidence enough of the utility to them of the public hope of a commercial agreement with America. Holding up the idea of a treaty has rapidly raised the stocks; but I cannot entertain any sanguine hopes, for all experience, all evidence, seem to be lost upon this nation and its rulers. According to most appearances, a nation so entirely given up to the government of its passions, must precipitate itself into calamities greater than it has yet felt. I still think, however, that a decided opinion concerning the system it will pursue, cannot be formed before the opening of the next budget.

With great esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, October 17, 1785.

Dear Sir,

It has been the general sense of our country since the peace that it was their duty and their interest to be impartial between the Powers of Europe, and to observe a neutrality in their wars. This principle is a wise one, upon the supposition that those Powers will be impartial to us, and permit us to remain at peace. But it is natural for England and France to be jealous of our neutrality, and apprehensive that, notwithstanding our professions, we may be induced to connect ourselves with one against the other. While such uncertainties and suspicions continue, we may find that each of these rival kingdoms will be disposed to stint our growth and diminish our power, from a fear that it will be employed against itself and in favor of its enemy. If France could be sure of our perpetual alliance, it is to be supposed she would favor our increase in every thing which could be reconciled to her own interest. If England could obtain such an alliance with us, she, for the same reason, would favor our interests in all cases compatible with her own.

I need not point out to you instances in proof of such a jealousy in France. Yet it may not be amiss to refer you to some hints in Mr. Necker's late work.

Mr. Hartley, you will remember, dwelt much too often upon the subject of an alliance with England for us to doubt that. However incident the suggestion of such an idea was, he nevertheless entertained it. He has lately renewed this topic with me, and I gave him the only answer which can ever be given, viz: that the moral character of the United States was of more importance to them than any alliance; that they could not, in honor, hear such a proposal, but that, if honor and character were out of the question, while England held a province in America, we could not safely forfeit the confidence of France, nor commit ourselves to the consistency of England.

But to rise higher. When the King was pleased to say to me that he would be foremost in favor and friendship to the United States, when he should see a disposition to give the preference to this country, he probably meant more than we can comply with. If a preference in commerce only had been meant, it was quite

necessary to make it a future condition, because the ardor of our citizens in transferring almost the whole commerce of the country to us, and voluntarily reviving that monopoly which they had long complained of as a grievance, in a few of the first months of the peace, imprudently demonstrated to all the world an immoderate preference of British commerce. It was impossible that we could have stronger proofs of a preference in this sense. If the royal expression then was a deliberate one, it must have intended something more, and something which the United States cannot agree to. The British Ministry, therefore, have now before them a question as important to the British Empire as any that ever was agitated—whether, by evacuating the posts, and fulfilling the treaty of peace in other points, and by opening their ports in the West Indies and on the continent of America, as well as in Europe, to our ships and to our commerce upon equal and fair terms, they shall insure the impartiality and neutrality of America; or whether, by a contrary conduct, they shall force them into closer connexions of alliance and commerce with France, Spain, and Holland. A treaty of defensive alliance with France would deserve a long and careful deliberation, and would comprehend the East and West Indies. I mean our right to decide in them, as well as many other considerations, too numerous to state at here. A new treaty of commerce might be made greatly beneficial to both countries. If we once see a necessity of giving preferences in trade, great things may be done. By the treaty between England and Portugal of 27th of December, 1703, Portugal promised to admit forever into Portugal the woolen cloths, and the rest of the woolen manufactures of the Britons, as was accustomed, and they were prohibited by the laws; nevertheless, upon this convention, “II. That is to say that Great Britain shall be obliged forever hereafter to admit the wines of the growth of Portugal into Great Britain, so that at no time, whether there shall be peace or war between the Kingdoms of Britain and France, anything more shall be demanded for these wines by the name of custom or duty, or by whatsoever title, directly or indirectly, whether they shall be imported into Great Britain in pipes or hogsheads, or other casks than what shall be demanded, from the quantity or measure of French wine, deducting or abating the third part of the custom or duty. But if at any time this deduction or abatement of customs shall, in any manner, be prejudiced, it shall be just and lawful for

‘his sacred Royal Majesty of Portugal again to prohibit the woole
‘cloths, and the rest of the British woollen manufactures.’”

This treaty, which the Irish call the Methuen treaty, from the name of the Ambassador who signed it, and which they now claim the benefit of as Britons, although the Portuguese deny them to be Britons, and accordingly refuse their woolens, has had a vast effect both in Portugal and England. The consequence has been that Portugal has now for more than four score years clothed herself in British woolens, like an English colony, and has never been able to introduce woollen manufactures at home, and the British Islands have drunk no other wine than Port, Lisbon, and Madeira, although the wines of France are so much better.

The United States may draw many useful lessons from this example. If, from the blind passions and rash councils of the Britons, they should be compelled to deviate from their favorite principle of impartiality and neutrality, they might make a new commercial treaty with France, for a term or forever, exempting all the manufactures of France from one-third, or one-half, or all the duties which shall be stipulated to be laid upon the English manufactures. In this case, what becomes of the manufactures of Britain? What of their commerce, revenue, and naval power? They must decline, and those of her rival must rise.

I hint only at these things. They open a wide field of inquiry and require all the thoughts of the people. We should stipulate for the admission of all our produce, and should agree upon a tariff of duties on both sides. We should insist upon entire liberty of trade and navigation, both in the East and West Indies, and in Africa and upon the admission of our oil and fish, as well as tobacco, flour, rice, indigo, pot-ash, &c., &c.

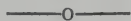
This country boasts of her friends and partisans in this and the other assemblies, particularly in New York and Virginia, and are confident we can do nothing, neither exclude their ships from our exports nor lay on duties upon their imports into our States, neither raise a revenue, nor build a fleet. If their expectations are not disappointed, we shall be, and that in a few months, not only a despised but a despicable people. With the power in our hands of doing as we please, we shall do nothing. With the means of making ourselves respected by the wise, we shall become the scorn of fools.

I am under embarrassments in treating with the Ministers here, to

now how far it is prudent in me to go in urging upon them what the United States may do or not do with France. There would be danger of my committing Congress imprudently; but in conversation with friends arguments may be casually, and by way of speculation only, put into their mouths, which they will not fail to use where they may or ought to have weight; yet it is still uncertain whether anything can have weight. The Ministry behave as if they saw certain ruin coming upon the nation and thought it of no importance what shape it should appear.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, October 21, 1785.

Dear Sir,

Yesterday, at eleven o'clock, I went by appointment to Lord Carmarthen's office, and was admitted to his Lordship as soon as he arrived from his house. As this was an hour earlier than the usual appearance of the foreign Ministers at the Secretary of State's office, I had time for a long conversation with his Lordship.

At first I presented him a memorial containing a requisition of immediate orders for the discharge of our citizens, particularly of Mr. Bowdoin. Secondly, the correspondence between Governor Bowdoin and Captain Stanhope, with the act of Congress upon it; and finally, a letter concerning the questions sometime ago communicated to your Ministers at Paris, relative to their full powers, by the Duke of Dorset. These papers were left with his Lordship for his perusal at his leisure, but I conjecture he laid them before the King in a conference after the drawing-room. After the communication of these papers I had the honor to observe to his Lordship that although they contained matters of some importance I most sincerely wished there was nothing of greater difficulty and more danger between the two countries. His Lordship wished so, too. I added, that as it was wished on both sides, it was remarkable that the business was done, as it seemed to be very easy to do; that it was much to be lamented, when the war was ended and everything essential which had been in contest was decided, that such circumstances as remained could impede the return of confidence between the two nations.

I paused here, in hopes his Lordship would have made some reflection, or dropped some hint from whence I could have drawn some conclusion, excited some hope, or started some fresh topic, but not a word escaped him. After a long silence I told him that I hoped for an answer from his Lordship concerning the posts upon the frontier; not a word of reply. I said I was extremely uneasy concerning those posts; that, by the last accounts from America, there seemed to be danger of our being involved in an Indian war merely from the circumstance of their being withheld; that his Lordship could not be unacquainted with the cruelty and barbarity with which the savages made war upon people the most innocent, peaceable, and defenceless; that an Indian war, by filling the gazettes and conversation with relations of horrors, naturally spread a greater alarm and excited keener passions than other wars which might be much more destructive and impoverishing; that if such a war should happen the consequence of withholding the posts, it would enkindle a flame in America which might spread wider and last longer than any man could foresee; that I sincerely hoped the King's Ministers would think seriously of it, and give orders for the evacuation; that I must insist on an answer. Here his Lordship, in broken sentences, expressed a wish that the Ministry would answer everybody, and conveyed a hint that it did not depend upon him. I proceeded upon this to say that, in a conference with Mr. Pitt, when I pressed him for an answer concerning the posts, although he was not explicit with me, I understood him to insinuate to me that the surrender of the posts would be made conditional upon something respecting the debts. Here I got something out. His Lordship said: "To be sure, nothing could be done until the debts were paid." Paid! Lord! that is more than ever was stipulated. No Government ever undertook to pay the private debts of its subjects; and in this case nobody ever had such a thought. The treaty only stipulated that the creditors should meet with no lawful impediment to the recovery of their debts. But, says his Lordship, if lawful impediments had been thrown in the way; and this was all he could or would let on. I understood him to mean that Government, by putting an impediment in the way, had made itself answerable for the debts themselves. This was the first suggestion to me of such a thought, but it was fully communicated that I should not be surprised if a requisition should be made to that effect. I proceeded, with his Lordship, to

the people in America saw the treaty violated in two important points relative to striking objects. The negroes were carried off and the posts were withheld. The last looked like a continuance of war. It was continuing a foreign army in their territory. These were the first breaches of treaty; and without them I did believe that the debtors would not have had influence enough in any assembly to have procured an act or vote to impede the course of law; and if the posts were now evacuated and the negroes paid for, I did not believe the impediment would be continued longer than to the meeting of the Assemblies. But if the removal of these impediments should be made a condition precedent to the evacuation of the posts and payment for the negroes, I very much apprehended it would not be done. As the English had been first in the wrong it was natural and reasonable to expect that they should be first to get right.

Finding it impossible to learn any thing from his lordship of his own sentiments or those of his colleagues, upon these points, after a pause of some time I proceeded to some others, and said :

Your lordship alone was present when the King was pleased to say to me that when he should see a disposition in the United States to give this country the preference, he would be foremost in friendship to them. Yes, I was, said his lordship. What greater preference, my lord, can be expected or reasonably desired, than has been given? It is not possible for one country to give another stronger proofs than America has given this, of a commercial preference. They have, with an imprudent ardor, discovered, too early, and too immoderate a predilection to the commerce of this country, by voluntarily reviving at the peace, almost the very monopoly which had been established before the war, by the acts of Parliament. Can any other preference than a commercial one be thought of? No answer. Is it not receiving this disposition too coldly, my lord, to meet it with obstructions to so many of our remittances? Is there not danger that the conduct of this country will change that disposition. Is it not easily changed? Does it not consist chiefly in mode and taste, setting aside what there is remaining of good will between the people, and if credit is the lure, is it not easily counteracted? We have been used to buy Russian and Dutch hemp in London, say, we paid ten per cent. more than it would have cost us in Petersburg, and that the advantage of having it upon credit was worth to the

American merchant twenty per cent. By laying on a duty of ten per cent. on these articles imported from London more than what imported directly from Russia, would not the advantage of credit be wholly counteracted? By laying on fifteen per cent. more, would there not be an end forever to American importations of these articles by the way of London? Silesia linens are another article which we bought in London. May not this commerce be diverted entirely to Stetin and Embden, by a similar duty? May not all sorts of manufactures in iron be bought in Germany, and all other manufactures in cotton, linen, metals, silk, velvet, wool, be in the same manner diverted from this to other countries in Europe only by thus laying a bounty on the importation of them into America, to be paid by those who choose to purchase in England?

It was become fashionable here for gentlemen to speak diminutively of American trade, even among some who had magnified it while in opposition to Lord North. These could not certainly be sincere but be the value of it what it may, can it be good policy in this country to divert it from herself and send it to her rivals? For example, could it be wise in the English to throw their own Newfoundland fishery into the hands of the French, merely to prevent Americans from supplying it with provisions and necessaries in their own bottoms? I was very much afraid the Ministry had not yet duly considered upon what a delicate circumstance their fishery depended, how easily it might be lost, and how hardly recovered, though the fishery was very beneficial to the public as a nursery of seamen, and a source of wealth, as it stood connected with various other branches of business, yet to the generality of individuals it was not very profitable. With their utmost art, industry, and economy, they could but barely live. The Jamaica fish, as some call it, or the West India fish, as others named it, was one third part of the whole, and the preservation and sale of it was essential to the life of the fishery. Unfit for the European market, it had never found any other consumers than the negroes, and the English depended upon selling theirs to the French in their West India Islands. They have been able to undersell the French in their own islands. Why? Because their fishery at Newfoundland being supplied from the United States at a cheaper rate than the French could be from Europe, they could afford to sell their fish cheaper; but now the tables were turned, the French are supplied from the United States,

and the English must be from Europe; the consequence of which must be that the French will very soon be able to supply their own islands cheaper than the English can, and, when this happens, it will be very natural for them to prohibit all foreign fish, American as well as English. I left his lordship to judge if this was a probable means of increasing British seamen and navigation, and whether it was not probable that if the Americans saw the English, like rash amateurs, playing away their own fisheries, into foreign hands, they would not look out for themselves, and purchase of the French the admission of their fish into the islands, by stipulating some equivalent for it. Here his lordship said he wished the council could be brought to take into consideration the relative situation of the two countries and their commerce. I was in hopes he would have said more, and waited long to hear, but as it appeared he did not intend to be more particular, I said it was surely necessary that something should be thought of and done. With regard to the West India trade, it would be well to consider whether the United States, if they found themselves excluded from the English islands, would not think it necessary to purchase a free admission of their flour and ships, as well as fish and other things, to perpetuity, by stipulating with the French Court some perpetual advantage, in some particulars, over the English commerce. Hitherto it had been the policy of the States to be impartial, but if they were once driven from this principle, I left his lordship to judge how far they might go and ought to go. I asked his lordship whether it would not be just and wise in France to stipulate with us a perpetual admission of our oil, to illuminate their cities, of our pot ash, duty free, of our tobacco, upon easier duties and better terms; in short, of all the produce of our country, upon better conditions, of our flour, fish, and ships, into their islands, and of our ready-built ships for sale, into all her dominions, if Congress would stipulate with them a perpetual preference of French ships and manufactures over the English in America. If we would stipulate to lay on duties one-third or one-half heavier upon English than French navigation and merchandize, might we not make a profitable bargain? Might we not do the same with any and every other trading nation in Europe? Necessity would force us to carry our trade where we could find a market for our produce; and if England would not receive it upon living terms, we must carry it to Germany or the Baltic, to Holland or the Mediterranean, to

Portugal or France, to Spain, or even to the East Indies. All this was very patiently and civilly heard, but not a word of answer. I then asked what could be the reason that the commerce between the United States and the remaining British colonies, Canada and Nova Scotia, should not be encouraged; it had been found mutually beneficial heretofore, and our share of the profit of it had been a source of remittance to England, and would be again. Those colonies, especially Nova Scotia, would find it difficult to subsist without it for a long time. Finding, however, that his lordship was determined to deliver no opinions, nor give the smallest hint from whence any conclusions or conjectures could be formed, I asked him for his advice, whether it would answer any good end for me to wait on any other of the Ministers, as my Lord Camden and the Duke of Richmond, for example, and enter into more particular conversation with them upon these subjects? His lordship said Lord Camden was gone into the country, and the Duke of Richmond to the distant sea-ports, and would not be here for many weeks; but Mr. Pitt was here. I replied that I had found Mr. Pitt, in the conversations I had with him, candid and intelligent, and that for any thing I knew the affairs of the nation could not be in better hands; but he was in a critical situation, and if a foundation should be laid of a final alienation between England and America, it would be a deeper stain, a blacker blot, upon his administration than the independence of the United States had been upon that of Lord North.

It is not worth your while nor mine to endeavor to collect more particularly this useless conversation, in which the reciprocity, as Lord North said on another occasion, was all on one side. I did not think it prudent to urge to his Lordship the possibility of any other new connexion between the United States and other European nations than commercial ones, the possibility and the probability of a more permanent, indeed, of a perpetual, defensive alliance between France, Spain, Holland, and the United States, with even Ireland soliciting to be the fifth Power, is so obvious to common sense, that one would think it could not escape the contemplations of the Ministry.

There are persons in this kingdom sufficiently insane to say that they will bring America to petition to come again under the Government of this country. They will distress them till they break their

faith with France, and then they say "we will spurn them." If the King and Ministry entertain such thoughts, they are weaker than I ever thought them, and wickeder than anybody ever represented them. But although insidious policy is not a novelty in this country, I do not believe them capable of such an excess of it at this time.

The true secret I conceive to be a real ignorance and indecision what to do. They have discovered by their Newfoundland bill and Irish propositions, a desire to preserve the principle of the navigation act against the United States. Both these experiments have been unfortunate. The first produced the Massachusetts and New Hampshire navigation acts, and the last procured a defeat in the Parliament of Ireland. They are now confounded, and know not whether to persevere or to retreat, and I am convinced they have agreed together to observe a total silence with me until they shall come to a resolution. This reserve they maintain to all others as well as to me, lest any hints might escape them by which the various parties who are led by Shelburne, Buckingham, North, and Fox, should know how to begin the foundation of their oppositions. They are really embarrassed, for whatever treaty they make with us, must be submitted to Parliament, either before it is signed, or it must be made and signed expressly subject to the approbation or disapprobation of Parliament; and they are at a loss to guess what they can carry through Parliament, knowing the talents of the opposition, and the force of national prejudice and passion in favor of the navigation laws. They are afraid to attempt what they know they ought to do.

This being the state of things, you may depend upon it the commerce of America will have no relief at present, nor, in my opinion, ever, until the United States shall have generally passed navigation acts. If this measure is not adopted, we shall be derided, and the more we suffer the more will our calamities be laughed at. My most earnest exhortations to the States, then, are and ought to be to lose no time in passing such acts. They will raise our reputation all over the world, and will avail us in treating with France and Holland, as well as England; for, when these nations once see us in the right way, united in such measures, they will estimate more highly our commerce, our credit, and our alliances. The question has been asked in France as often as in England, what have you to

give in exchange for this and that, particularly, it was a constant question of the Mareschal de Castries, what have you to give as a reciprocity for the benefit of going to our islands? When we have once made a navigation act, or shewn that we can unite in making one, we may answer, we can repeal our act or our imposts in return for your repealing yours.

With regard to this country, I confess to you I never should have believed, nor could have imagined, the real situation of it, if I had not been here, and resided here some time. I never could have conceived such an union of all parliamentary factions against us, which is a demonstration of the unpopularity of our cause. If the States do not make haste to confine their exports to their own ships, and lay on duties on British merchandize, which shall give a decided advantage to our own manufactures, and those of Germany, France, and other nations, it will be to no purpose to continue a Minister here, and I am sure I shall wish myself any where else rather than here. These are remedies which Congress and the States can apply. I should hope that they will not proceed farther at present; but if these are found insufficient, I hope they will think of proceeding farther in commercial treaties with other nations, and reserve the resource of further alliances as a last resort.

The drafts already made, and the negotiations in Barbary, will exhaust your little fund in Amsterdam, and before next March all your servants in Europe must return home for want of means even of subsistence unless something is done. Our countrymen should not expect that miracles will be wrought for their relief. If their affairs are not conducted with wisdom and activity, they will reap most certainly the fruits of folly and supineness.

Before I conclude, I will mention one more extravagance that I know is lurking in some hearts here. They would willingly embarrass Mr. Pitt in any rational plan of agreement with me, and cheerfully precipitate him into war with the United States if they could, well knowing that it would be his ruin. They think, and I can add, they say, "that Canada and Nova Scotia must soon be 'ours. There must be a war for it. They know how it will end, 'but the sooner the better. This done, we shall be forever at peace. 'Till then, never." But these people do not consider that this will involve us in unchangeable connexions with France, and prove the final ruin of this country.

The stocks have lately risen to sixty-five and sixty-six. Whether this is owing to Ministerial tricks, or the real affluence of money, it will raise the fund of pride and vanity in the nation in a much greater proportion, and make it more difficult for the Minister to do what even he may think right with America.

I must conclude by repeating that my only hopes are in the virtue, resolution, and unanimity of my fellow-citizens.

With great respect, &c.,

JOHN ADAMS.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, October 25, 1785.

Dear Sir,

The Crown of Great Britain has sometimes pledged its prerogative to relax the navigation act, but the Parliament and nation would not admit of it. By the fifteenth article of the definitive treaty between Great Britain and Portugal, signed at Lisbon the 16th May, 1703, "the personal privileges and *freedom of trade* which the subjects of Great Britain and the States of the United Provinces at present enjoy in Portugal, the Portuguese shall, in their turn, enjoy in the dominions of Great Britain and the States of the United Provinces." This you see was a stipulation directly against the navigation act. But although the prerogative of the Crown in foreign negotiations is acknowledged to be sovereign, yet the English contend that it is not sufficient to set aside an act of Parliament, and therefore, this article has never been complied with, and the Portuguese complain of it to this day as a breach of faith.

Sensible of this difficulty, the Minister, I presume, will not venture upon any treaty with us, without either previously taking the sense of Parliament, or making the treaty subject to its subsequent approbation; either of which measures will open a boundless field of argument and obloquy. You will not wonder that he dreads it. He cannot, however, avoid it. The American intercourse act expires on the 5th of April, 1786, and the Newfoundland act expires on the 25th of March, 1786; and the bare revisal of these statutes will necessarily bring on a discussion.

The Newfoundland act is considered here by some as a mere machine to try an experiment, to feel the pulse of the House, and

to discover what sentiments were entertained, and what principles would be declared by the various branches of opposition; and it is curious to observe the presence of mind of the leaders, and the art with which they evaded the snare. They showed plainly that they were determined not to be out-generaled by so young an officer.

On the 2d of February, 1785, Mr. Pitt moved in a Committee of the Whole House, that leave be given to bring in a bill for confining, for a time to be limited, the trade between the ports of the United States of America and his Majesty's subjects in the Island of Newfoundland to bread, flour, and live-stock, to be imported in none but British-built ships actually belonging to British subjects.

Mr. Eden, one of the coalition men, seems not to have been aware of the design, and declared at once sentiments which probably Mr. Pitt wished the whole opposition to avow. He wished "that trade 'might not suffer by the several restrictions intended by this measure. 'Confining that whole trade to British bottoms would narrow it much 'more than most people would imagine. It would divert it into 'other channels, and ultimately annihilate our colonies in that part 'of the world. He had always found that to encourage commerce, 'you must treat it with liberality. The proposed bill threatened a 'very different effect; and, therefore, he had thrown out these hints 'before the business had assumed any shape more formal, in order 'that those concerned in the construction of the bill might be on 'their guard."

Mr. Jenkinson, whose opinion probably had influenced Mr. Pitt to move for so illiberal a bill, was apprehensive "that our navy would 'ultimately suffer, unless every possible attention were paid to the 'protection, extension, and encouragement of our shipping. This 'appeared to him an object of infinite consequence, and demanded 'the consideration and sanction of the Legislature. He should, 'therefore, insist that in the framing of this bill, the greatest care 'should be taken that all our commerce in that quarter should be 'carried on in British bottoms only."

On the 4th of February, Mr. Eden was for moving to discharge the order for bringing in the bill. Mr. Jenkinson complained that he had been misrepresented; that he meant to say that there was not, and never had been any law to prevent ships coming from the British colonies to trade in any part of the globe, the East Indies only excepted by the charter of the company.

Mr. Baring said it was at his instigation that the "Privy Council had been induced to introduce it into Parliament. Newfoundland had suffered severely last year by the want of provisions, because the Governor doubted whether he could suffer the direct importation of necessaries from America even in British bottoms. That the settlement would continue to suffer many hardships, if Parliament should determine that they must receive their supplies from Britain only."

On the 7th of February the bill was presented. Mr. Eden seems by this time to have been put upon his guard. He makes a long and confused declaration, seems very anxious, but gives no opinion clearly upon any principle; yet one may trace, I think, several: 1. One is, that his chief claim was for Canada and Nova Scotia, the ships built or owned in these colonies being struck at and excluded by the bill as much as those of the United States. 2. He seems averse to the permission even of bread, flour, and live-stock to be imported into Newfoundland from the United States at all. 3. He thinks this bill will be a precedent for the future introduction of other bills relative to Canada, Nova Scotia, and the West India Islands, and for excluding all their ships from certain privileges now enjoyed by them in virtue of the navigation acts, and for the importation into them of some articles of the produce of the United States. 4. He thinks it imprudent to agitate the measure at this time, because there were five treaties of commerce pending, one with America, another with France, a third with Spain, a fourth with Holland, and a fifth with Ireland. He thinks a treaty the best method, and had even rather that the Privy Council should regulate the trade by proclamation than Parliament by bill. This is the most sensible observation in the whole debate, and it will be curious to see how they will get over it. An examination of witnesses at the bar, and a debate in the House upon a bill or a treaty regulating the commerce between Great Britain and the United States, would lay open all their mysteries to all their rivals. All the nations of Europe, and especially those they dread most, as well as the citizens of the United States, and the inhabitants of the British colonies both on the continent and in the West Indies, would profit of the information so much that I suspect that all parties will be of Mr. Eden's mind, and authorize the King to treat or to legislate as he has done by proclamation. The Irish are now extremely ignorant of America, and although

they have a desire to trade with us, they know not how to set about it. Such a debate would enlighten them. The inhabitants of Canada and Nova Scotia have now no idea of the intentions of this country towards them. In fact there is nearly as much jealousy of them, of their ships, seamen, fisheries, oil, rum, population, riches, power, as there is of ours. Much of this would appear in such a debate, and it would disgust and alienate those colonies, and excite in them a desire of independence and an admission into the American Confederation. The French, Dutch, Germans—all Europe, in short—are as yet ignorant of the nature of our commerce and the means of making it profitable to themselves. As the debates in Parliament are published in all the foreign gazettes, much light would spread through Europe in consequence of a parliamentary discussion, so that I doubt whether Mr. Pitt will bring in any bill in detail, or lay before Parliament any treaty, unless he can be assured it will be approved without a discussion. If he does anything more than revive the intercourse act he will bring in a bill to authorize the Crown to make a treaty. Yet this has its difficulty, for the Crown claims to be absolute in all treaties without an act of Parliament. I wish with all my soul there may be an ample parliamentary inquiry and debate, because it would operate much to the honor and benefit of the United States through the world; but I suspect they will be too cunning to venture upon it.

Mr. Eden moved to discharge the order of 2d February, for bringing in the bill.

Mr. Jenkinson defended the title of the bill, and made a long speech, in which there is nothing worth remarking, excepting *that Canada and Nova Scotia, instead of wanting the same articles as Newfoundland, i. e., bread, flour, and live-stock, were rivals of the American States in the exportation of them.* This was so gross that it shocked even Lord North. All the rest of Mr. Jenkinson's speech seemed to be merely calculated to sound the principles of opposition.

Lord North seconded Eden's motion; but, more experienced and cunning than the other, he determines that nothing shall be drawn out of him but mischief. He should now confine himself to the title. When the bill came up he would *more maturely reflect on the subject, and give his opinion accordingly.* The bill was merely preparatory to many more. It would be necessary to have one, if this passed, for Canada, another for the West Indies, Nova Scotia,

Quebec, &c. His Lordship would not even affirm or deny what Mr. Jenkinson had thrown out, viz: that Canada and Nova Scotia were rivals of the American States. But lumber was the principle article they exported, and what need had Newfoundland of lumber? And would not the expression "his Majesty's European dominions" alarm Ireland, our great neighbor and jealous sister? This was a tender string. The Irish Parliament might think they had a right to be consulted. They might consider the bill as a law made by the Parliament of Great Britain for the regulation of the trade of Ireland, notwithstanding the declaration that she has no power.

Lord North's aim, in short, was very plain to excite as many parties and questions as possible, and reserve to himself a full liberty to join any party and take any side which should afterwards appear to be against the Minister.

Mr. Pitt is evidently disappointed. He had missed his aim. He had drawn out no declarations, principles, or opinions. He quarrels with Lord North for attempting to stir up rebellion in Ireland, and with Eden for not discussing the navigation act, and shewing how it applied to the bill.

Mr. Pitt was as reserved as Lord North; and even Lord North afterwards, that he might be completely equivocal, retracts what he had said about Ireland, and denies that he had objected to the words "his Majesty's European dominions."

On the 8th of February, Mr. Fox thought the bill affected, in a very particular manner, the commercial regulations of this country. He did not perfectly understand whether it was to be a restraining or an opening bill. The alteration agitated was, perhaps, one of the most important ever proposed in Parliament. Some gentlemen apprehended it went too far, while others are of opinion that it was too circumscribed, and ought to proceed to a greater extent. It ought not to be hurried. To accommodate every description would, he presumed, be the aim of those who countenanced such a proposition, &c. This last was a very just observation, for the bill is manifestly calculated to do a little to please all parties, but not enough for any one to satisfy it. It was contrived so on purpose to draw out the principles and arguments of all sides, but the cunning of the parliamentary leaders defeated its effect.

Watson, the Alderman, said the merchants were exceedingly anxious to know whether or not they were to send out provisions

and other articles to Newfoundland from Britain. On the other hand, it was verily an important question whether the provisions of the bill were conformable to the navigation act or not.

On February 9th, Watson moved for the examination of the witnesses, but it was postponed.

On the 14th February, Mr. Pitt opposes the examination of witnesses as unnecessary, highly imprudent, and improper.

Watson wanted witnesses to prove the inefficacy and inexpediency of the bill. It was sending a trade where it was unmerited, (*i. e.*, as I suppose, to the United States,) and taking it out of those hands in which it would be serviceable to the country, (*i. e.*, as I suppose, out of the hands of the inhabitants of Canada and Nova Scotia.) The bill was unnecessary. Quebec could supply Newfoundland—if not, England could; and the trade of Great Britain and her colonies should not be delivered over to a foreign Power. That the average prices of bread and flour in Great Britain had been considerably cheaper than at Philadelphia, or any other part of the United States of America, for a stated number of years.

Mr. Cruger gave Watson a direct contradiction. If no other sources of supply were open to Newfoundland than Quebec, they must starve. He reproaches Watson with interested views, and aiming at a monopoly. That Quebec was supplied last year from Philadelphia. Bristol and other ports in England had supplied Quebec in time of war.

Lord North observed, as there appeared two assertions in contradiction, one averring that Quebec was equal to the business of supplying Newfoundland, the other precisely the contrary, it was necessary to proceed to a more minute investigation, and to an examination of witnesses.

Mr. Hollsworth said the bill was a kind of compromise between the merchants of London, Poole, and Dartmouth, and the merchants of Canada. Mr. Fox denied it to be a compromise, because one party was satisfied and the other discontented. He was for a hearing at the bar, and hoped Admiral Campbell's evidence would have weight.

Mr. Jenkinson avowed that the evidence before the Privy Council had been flatly contradictory, and that the bill was merely an experiment to pass a temporary measure, to quiet the minds of all concerned for seven months, leaving the subject open for subsequent

and more serious deliberation. That Canada had one year, ten years ago, exported vast quantities of flour, but from that time had been obliged to send to Philadelphia to buy provisions. That, in fact, Quebec was not a flour country.

Mr. Pitt presumed that an unlimited intercourse between the United States and *America* was not prohibited by any known statute. If no bill passed, a much larger field of competition would remain open, which would operate in a greater degree to the prejudice of the merchants of London, Poole, and Dartmouth, and those of Canada. It is worth while to remark here an awkward endeavor to give the name of *America* to Canada and Nova Scotia. We may hear more of this hereafter.

Eden wanted to prove that Quebec was this year able to supply the fisheries at half the price paid last year. If Quebec was not to be a flour country, her prospect was melancholy indeed; for the disgraceful destruction of all her hopes of the fur trade, by the provisional articles, had left her without any other resource.

He contended that there was not at present any trade legally subsisting between the United States and the *Colonies*. He had many objections:

- 1st. The scarcity would be increased by the uncertainty.
- 2d. The freights of the British merchant would be lessened, and the price of his fish must be raised.
- 3d. Facilities would be given to smuggling.
- 4th. It was quitting the old policy, and encouraging a resident habitation of Newfoundland.

5th. He was unwilling to introduce systems by act of Parliament contrary to that monopolizing system, which, however described by theoretical writers, must be considered as the rock of salvation to this country, under the pressure of all her debts and taxes.

Lord North said it was always the admitted system of colonial policy, that the mother country should, as far as possible, monopolize the supplying of her colonies, that whenever a necessity arose of deviating from this principle, the *onus probandi* lay on those who alleged such necessity to subsist.

Mr. J. Luttrell said that monopolies had always been prejudicial to Newfoundland. It was requisite that every source of supply should be opened.

Mr. Watson said (falsely however) that France had done the direct contrary to that which the bill proposed, in respect to her West

India Islands; that the bill would be the means of bringing rum from Newfoundland distilled from *French* molasses, and that it would be impossible to prevent its being smuggled; that unless the English had a market for their rum, the estates in the West Indies could not be worked. Here, I presume, one principal secret comes out. The principal motive of the bill was to exclude New England rum from Newfoundland. This rum, distilled in the United States out of French molasses, is considered as benefitting two rivals at once, and therefore, we do not see any man of any party in this debate even hinting any thing in favor of it.

Mr. Beaufoy, who is supposed to be in the confidence of Mr. Pitt, closes this debate in a long speech, which contains more argument and more knowledge of the subject than all the rest. His first argument is that the bill, upon Watson's own ground, is peculiarly formed to defend the interests of the West India Islands, and to protect their commerce, because it narrows and circumscribes the intercourse between the United States and Newfoundland. He does not speak out like Watson, but he means that New England rum is excluded by the bill.

His next argument is that the bill is expedient, because the intercourse without it would be unlimited, as the custom-house officers at Newfoundland had then no right to demand a manifest or certificate from a vessel arriving from a foreign port, and the United States were, by proclamation and treaties, known to be foreign ports. British treaties being laws of the land.

He next examines Watson's maxim, that all intercourse between the United States and Newfoundland should be strictly prohibited lest it should be the means of introducing the rum of New England as a rival of West India rum; and he shews that the loss to the islands can be but trifling, compared with the loss to the fisherman if the intercourse should be prohibited.

He asserts that the fisherman can have no resource in Nova Scotia, which does not produce a sufficiency of food for its own people, but depends for supply on the United States. Canada, for some years, can be no resource; besides that, the Gulf of St. Lawrence in winter and spring, when the wants of Newfoundland are greatest, is bound up in frost. The occupation of fishermen is of little benefit to themselves, but of infinite advantage to their country. Miserable, at the best of times, is the subsistence they obtain, but valuable, indeed, are the returns they make to the kingdom—not less

man half a million a year—though this forms but a small part of their importance; for, next to the coasting trade, theirs is the greatest nursery for seamen; hundreds of new men are sent out to this school every year.

Allow your fishermen, says he, the right of purchasing their corn at a fair market, instead of that of a monopolist, and you will find that as far as foreign markets are concerned, they will soon be established on the *ruins* of every other. The French have never more than supplied the consumption of their own market. (He should have known that they have never done this; they have never supplied their own West Indies, and that, whenever by British folly they shall be enabled to do it, they will easily establish their fishery on the *ruins* of that of Great Britain.) The Americans, excluded from the West Indies, find their fisheries rapidly declining, having no other considerable market for their damaged fish. They must advance the price of their best fish so far that they cannot long contest with us the possession of the Spanish or Italian, or any other foreign market. The American fishermen are seeking a refuge from poverty in the dominions of Britain. But if we consign our fisheries to the avarice of the monopolist, they will fly from distress to other employments or other employers.

I have attempted this hasty abridgment of the debate because it deserves the critical attention of every man in America. The United States may learn from it their own duty. The cunning both of Administration and Opposition restrained them from opening fairly their opinions. But thus much appears too plainly, viz: That no man of any party had the courage to declare himself for an open, free, and unlimited trade between the United States and any of the British dominions in America. Mr. Pitt, and, indeed, the Administration at the head of which he is, declare themselves against a total prohibition of intercourse; but they have discovered by this bill an inclination to confine it to so few articles, and to exclude so many others, that the United States can never consent to the plan, but must prohibit in their turn the few articles and the narrow intercourse permitted by the English.

In short, sir, every article which can support a shipwright, a ship, a seaman, a whaleman, a codfisherman, a rum distillery, or a sugar-house, appears to be struck out with the malice of murderers, and a settled plan to dupe us out of all our carrying trade. The carriage of our own produce, as well as theirs, appears to have been decidedly

adopted by the present Ministry; but no party, no man, has yet dared to declare himself of another opinion.

If the United States submit to it, they will deserve to be the contempt of the world and of posterity. The Massachusetts and New Hampshire have done themselves great honor all over Europe by the proofs they have given of their feelings and intelligence; and I hope they will persevere in their acts, even although they should stand alone, and be supported by similar acts in no other State. This, however, is in Europe universally supposed to be impossible; it is universally expected that most of the other States will do the same immediately, and all of them ere long.

I know not, sir, what Mr. Temple may have authority to say to Congress, but I hope they will not be lulled by any general expressions of good will. I know, sir, that there is an absolute impossibility of our obtaining a reasonable relief to our commerce from this country. There is no other question left for us to determine than this: Will you see all your shipping, seamen, and commerce taken from you, and become a nation of mere husbandmen, fleeced almost at pleasure by rapacious foreign factors, or will you be your own carriers? Threats, prophecies, reasonings, with whatever delicacy or skill they might be urged, even although yourself, sir, were here to enforce them, would have little effect. The deed must be done. You must prohibit and exclude in your turn, and confine your exports to your own ships, or, at least, exclude the ships of Great Britain. When they actually see six or seven hundred of their own ships thrown out of their employ, they will begin to consider how their navigation is affected. Nobody doubts the ability of every State from Maryland, inclusively, northward, to furnish ships for its own exports; and if the States to the southward of Chesapeake cannot procure ships immediately, the other States will soon be able to furnish them. Nothing will ever be done here until this measure is adopted by the United States. If the Ministry, in the next winter session, should bring in a bill upon such a plan as America desires, they would not be able to carry it through Parliament. Why? Because the national prejudice in favor of their navigation acts is so strong, and the necessity of relaxing it does not appear; on the contrary, they think it certain there is no necessity, because we cannot unite in laws and measures which would make one.

By the best judgment I can form, the posts upon the frontiers will never be evacuated, nor the Maryland stock recovered, nor the

Rhode Island demand satisfied, nor the negroes paid for, while there remains in force a vote of any Assembly, suspending process for the recovery of British debts.

With great and sincere esteem, &c.,

JOHN ADAMS.

P. S. Enclosed are the American intercourse act and the Newfoundland and American trade act.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, October 27, 1785.

Dear Sir,

Yesterday at the levee at St. James's, the Marquis of Caermarthen came to me and told me that he should deliver those papers I had communicated to him relative to the correspondence between Governor Bowdoin and Captain Stanhope to Lord Howe, in whose department it was to consider such things. His Lordship added that he thought some of the letters extremely improper in a captain of a man-of-war to a Governor, and that he had carefully examined the letters of the Governor to see if there was anything which could have given occasion to them or excused them; but that he could find nothing. I suppose from this information, that the Captain's letters will be disproved at Court, as they are generally by men of sense, although some of John Bull's children, who cannot or will not distinguish between *ill nature* or *ill manners* and *spirit*, applaud them.

With great regard, I have the honor to be, &c.,

JOHN ADAMS.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, December 5, 1785.

Dear Sir,

I cannot omit this opportunity of transmitting to you a copy of an act of Congress respecting Mr. Temple. It appears to me to be a proper one. In my opinion, our public conduct should be just and liberal on the one hand, but firm and decided on the other.

I have the honor to be, &c.,

JOHN JAY.

Extract from the Secret Journal of Foreign Affairs, December 22, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred his letter of the 24th November, to his Excellency the President, with Mr. Temple's commission, having reported :

That John Temple, Esquire, has presented to the United States in Congress assembled, a commission in due form, bearing date the 5th day of February last, from his Britannic Majesty, constituting and appointing him the Consul General of his said Majesty in these States: That there is as yet no commercial treaty or convention subsisting between his Britannic Majesty and the United States, whereby either have a perfect right to establish Consuls in the dominions of the other, but that amicable negotiations for that and other reciprocal privileges are now depending: That although the issue of those negotiations is as yet uncertain, it will nevertheless be proper for the United States, on this and every other occasion, to observe as great a degree of liberality as may consist with a due regard to their national honor and welfare: Therefore,

Resolved, That the said John Temple, Esquire, be, and he is hereby, received and recognized as Consul General of his Britannic Majesty throughout the United States, and that his commission be registered in the Secretary's office.

Resolved, That all the privileges, preëminences, and authority, which the law of nations and of the land give to a Consul General received by the United States from any nation with whom they have no commercial treaty or convention, are due to the said John Temple, and shall be enjoyed by him.

Ordered, That certified copies of the above resolutions be transmitted to the Executives of the different States for their information.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, January 2, 1786.

Sir,

I have the honor of transmitting to you, herewith enclosed, a copy of a letter of the 21st December, from Mr. Temple to me, which I laid before Congress. They have been pleased to direct that you communicate it to his Britannic Majesty; that you inform

him that the complaint stated in it, being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it; and that you assure him that, as it is their determination the treaty of peace shall be punctually observed by their citizens, and that his Majesty's subjects shall enjoy here all the rights which friendly and civilized nations claim from each other; so they will always be ready to hear every complaint which may appear to be well founded, and to redress such of them, as on investigation shall prove to be so.

This communication will give you an opportunity of remarking, that the office of Consul General does not extend to matters of this kind, neither the rights of commerce nor of navigation being in question, and, therefore, that it was delicacy towards his Majesty, rather than a sense of the propriety of such an application from a Consul General, which induced Congress to treat it with this mark of attention.

It would, perhaps, be well to pursue the subject, to intimate the expediency, as well as propriety, of sending a Minister here, and if circumstances should so dictate, to accompany it with assurances that Congress expect a Minister, and are ready to receive and treat him in a manner consistent with the respect due to his sovereign.

The advantage alluded to in one of your letters, if no other, would result from such an appointment, viz: That the British Court would then probably receive a more accurate representation of affairs in this country than they are at present supplied with by men who write and speak more as their wishes and feelings than as truth and knowledge dictate.

I have the honor to be, &c.,

JOHN JAY.

P. S. Your letters of the following dates are received, viz: 15th, 17th, 21st, 25th, and 27th October last.

Report of Secretary Jay relative to the execution of Official duties in Great Britain.

Office for Foreign Affairs, January 31, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred his letter of 28th December, 1785, enclosing Mr. Adams's of the 15th, 17th, 21st, 25th, and 27th October last, reports, That, in his opinion, it should be

Resolved, That Congress approve of the manner in which Mr. Adams appears, from his several letters, to have executed the duties of his legation to the Court of Great Britain, and that they are greatly pleased with the diligence, attention, and intelligence he has manifested therein.

Resolved, That ways and means should be seasonably devised for placing such further funds in Europe as will probably be necessary, as well for the support of the public servants there as for supplying any deficiency in the sum appropriated for the negotiations with the Barbary Powers.

Ordered, That this resolution be referred to the Treasury to report.

From the tenor and complexion of all Mr. Adams's letters, it appears evident to your Secretary—

1st. That general and full powers to regulate the trade of the United States, both foreign and domestic, should be vested in Congress.

2d. That the United States should be put in a very respectable posture of defence, by forming ample magazines of military stores, and by having a considerable part of the militia always well prepared to take the field.

3d. That proper measures should be devised to cause a punctual compliance with and payment of the requisitions of Congress, and to prevent unconstitutional dismemberments of any of the States; which manifestly tending to weaken the force and impair the Union by creating domestic contention, and affording objects for foreign manœuvres, are highly impolitic.

4th. That Mr. Jefferson should be directed to communicate to the Court of France the exact state of the United States with Great Britain relative to the posts, to urge the guarantee of France as a reason for their friendly interference, and to ascertain how far the United States may expect his most Christian Majesty's good offices and aid on that subject.

5th. That, pursuant to the 8th article in the treaty with France, it would be proper to request his most Christian Majesty's good offices with the Barbary Powers to promote the present negotiations with them.

Your Secretary is also induced to believe, as well from conversations with Mr. Gardoqui as from Mr. Carmichael's letter, that Spain would, if applied to, very sincerely endeavor to exert her influence

with the Emperor of Morocco in favor of the United States. Wherefore, he thinks that application should be made to his Catholic Majesty for that purpose.

Your Secretary sees many good consequences that might result from communicating Mr. Adams's letters to the Executives of the different States, and accompanying them with a letter from Congress urging the necessity of ordering all the general concerns of the Union by a stable, well-digested system; and to that end of delegating such powers as may be adequate to the great objects of duly regulating the commerce, protecting the Union, and of drawing forth and directing its resources, both of wealth and power, as exigencies may require. Your Secretary, nevertheless, has great doubts of the prudence of communicating Mr. Adams's letters, lest copies of them should return to England, and place him there in a situation neither agreeable to himself nor advantageous to the public.

Your Secretary has reason to believe that too much of their contents has already slipped out, he having been lately told by a person who ought not to have had such information that Mr. Adams had written that the situation of the British debts was made an objection to the evacuation of our posts. He is, however, of opinion that a letter from Congress, cautiously stating the general state of our affairs, and strongly impressing the necessity of efficiency and vigor in the Federal Government, would be very expedient.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Report of John Jay on a reference of his Report of 31st January last.

Office for Foreign Affairs, March 22, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred his report of 31st January last on certain letters from Mr. Adams, in order that he might prepare drafts of the instructions therein proposed, reports:

That, in his opinion, the Minister Plenipotentiary of the United States at the Court of Versailles should be instructed in manner following, viz:

Sir,

It is the pleasure of Congress that you represent to his most Christian Majesty that, by the eleventh article of the treaty of

alliance between his said Majesty and the United States, the guaranty to each other as follows:

The two parties guaranty, mutually, from the present time and forever, against all other Powers, to wit: The United States to his most Christian Majesty the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace; and his most Christian Majesty guaranties on his part to the United States their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as commerce, and also their possessions, and the additions or conquests that their Confederation may obtain during the war from any of the dominions now or heretofore possessed by Great Britain in North America, conformable to the fifth and sixth articles above written; the whole, as their possessions, shall be fixed and assured to the said States at the moment of the cessation of their presentwar with England.

That the United States consider all the countries, dominions, and territorial rights ascertained and assured to them at the conclusion of the late war by the treaty of peace between them and Great Britain to be comprehended within the terms and the true intent and meaning of the said guarantee.

That among other obstacles to their full and perfect enjoyment of the said countries and territorial rights, Great Britain continues to withhold from them the possession of their frontier posts and places occupied by them during the late war within the boundaries of the United States, as ascertained and fixed by the said treaty of peace, although by the seventh article of the said treaty it was stipulated and agreed that his Britannic Majesty should, with all convenient speed, withdraw all his armies and garrisons from the said United States, and from every post and place within the same, &c. That, as near three years have since elapsed, the United States consider the detention of those posts and places as being contrary to the terms of the treaty and inconsistent with the good faith with which it ought to have been observed.

That they have, by their Minister at the Court of London, remonstrated to his Britannic Majesty on this subject; but that no satisfactory answer has as yet been given to them.

That from the defensive state in which those posts and places are kept, as well as from the number of forces stationed in the Province of Quebec, the intention of his Britannic Majesty to evacuate them has become problematical.

That being thus circumstanced, the United States think it their duty to lay these facts before their good friend and ally, and to request that, in the first instance, he will be pleased to join with them in making such further remonstrance to his Britannic Majesty, as it is to be hoped may render any less pacific proceedings unnecessary.

That the confidence which the United States repose in the justice and good faith of his Majesty, leaves them no room to doubt of his readiness to join with them in the measure proposed, and, therefore, that they have instructed their Minister at the Court of London, as soon as he shall be informed thereof, to confer freely and fully with his Majesty's Minister at the same Court, and in concert with him, to make such remonstrance on the subject to his Britannic Majesty as they may jointly think most expedient and conformable to their respective instructions.

It is also the pleasure of Congress that you represent to his most Christian Majesty,

That, by the 8th article of the treaty of amity and commerce subsisting between him and the United States, it is stipulated that "the most Christian King will employ his good offices and interposition with the King or Emperor of Morocco or Fez, the Regencies of Algiers, Tunis, and Tripoli, or with any of them, and also with every other Prince, State, or Power of the coast of Barbary in Africa, and the subjects of the said King, Emperor, States, and Powers, and each of them, in order to provide as fully and efficaciously as possible for the benefit, convenience, and safety of the said United States, and each of them, their subjects, people, and inhabitants, and their vessels and effects against all violence, insults, attacks, or depredations on the part of the said Princes and States of Barbary or their subjects."

That the United States have found it necessary to commence negotiations with the above named Powers, for the purpose of forming such treaties and arrangements with them as may prevent their committing any future depredations on the American vessels and trade.

You are to communicate to his Majesty an exact state of the measures taken for that purpose, and to request that he will, agreeably to the said article, interpose his friendly aid and good offices to promote the success of those negotiations; which negotiations Mr. Adams and you will conduct in such a manner as you and he may

think best calculated to give them all the advantage that can result from his Majesty's interposition.

Your Secretary further reports that the Chargé d'Affaires at the Court of Spain should be instructed as follows, viz:

It is the pleasure of Congress that you present their thanks to his Catholic Majesty for the very friendly manner in which he interposed his good offices with the Emperor of Morocco in behalf of the American vessel and crew captured by one of the corsairs, as well as for the kind disposition he has expressed of his readiness to promote a good understanding between the United States and that Prince.

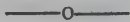
You will communicate to his Majesty that Congress have taken measures for negotiating a permanent peace with the Emperor, and that they would esteem themselves greatly obliged by his Majesty's endeavors to promote the success of the negotiations by exerting his influence at that Court in their favor.

You will assure his Majesty that his friendly attention to the United States will always make a correspondent impression on them and that they will always be happy to embrace every occasion of testifying the sense they entertain of it, as well as of manifesting their sincere disposition to unite the two nations by the strongest ties of mutual affection and reciprocal advantage.

Your Secretary takes the liberty of observing that, as their High Mightinesses have agreed by the 23d article of the treaty between them and the United States, to second and aid the negotiations of the latter with the African piratical States, it would, in his opinion, be proper for Congress to avail themselves of this article, and apply to their High Mightinesses accordingly.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, December 29, 1785.

Sir,

Your Excellency will receive, herewith enclosed, a letter to me of 21st instant, from Mr. Temple, who is desirous that Congress would be pleased to pass a resolution that may remove the difficulties stated in it.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN TEMPLE TO JOHN JAY.

New York, December 21, 1785.

Sir,

It having been represented to the Ministers of the King my sovereign, that divers of his Majesty's subjects or loyalists, who had property and outstanding debts in these United States anterior to the late war, (and to whom his Majesty's benevolence and bounty are now about to extend commensurate with their real losses,) have met with great trouble and difficulty in obtaining, and in some instances have been totally refused such office copies from the public records and papers as are indispensably necessary to substantiate their claims before a board of commissioners appointed to receive and examine the same; will you give me leave to request of you to be so obliging as to move the honorable Congress of these United States to take the matter into consideration, and to do thereupon as in their wisdom and justice may appear to be fit and proper upon the occasion, so that said loyalists or sufferers, or their attorneys, may have access to the public records and papers in the several States, (upon paying the lawful or usual fees of office,) in the same mode and manner as the subjects of the United States are permitted or accustomed to have.

I have the honor to be, &c.,

J. TEMPLE.

The letter from Mr. Temple was referred to the Secretary for Foreign Affairs, to report on the propriety of the application and expediency of a reply; in consequence of which reference the Secretary made the following report:

Office for Foreign Affairs, December 31, 1785.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to him of the 21st instant, from the Consul General of his Britannic Majesty, representing that certain persons, called loyalists, had found difficulties in obtaining, and in some instances been refused, office copies of public records in the United States, and desiring the interposition of Congress, &c., reports: That in his opinion your Secretary should write a letter of the following tenor to Mr. Adams.*

Your Secretary is further of opinion that he should write the following answer to Mr. Temple's letter, viz:

* See the letter to Mr. Adams, page 502.

Sir,

I took the earliest opportunity, after the meeting of Congress, to lay your letter of 21st December before them.

They have ordered a copy of it to be transmitted to their Ministers at the Court of London, with directions to communicate it to his Britannic Majesty, to inform him that the complaint stated in it being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it; and to assure him that as it is their determination the treaty of peace shall be punctually observed by their citizens, and that his Majesty's subjects shall here enjoy all the rights which friendly and civilized nations claim from each other so they will always be ready to hear every complaint which may appear to be well founded, and to redress such as on investigation shall prove to be so.

I have the honor to be, &c.,
John Temple, Esquire, Consul General, &c.

Resolved, That Congress agree to the said report.

—o—

FROM JOHN JAY TO JOHN ADAMS.

New York, February 3, 1786.

Dear Sir,

My last to you was written the 2d ultimo. I acknowledge the receipt of your letters of the 15th, 17th, 21st, 25th, and 27th October last; no others have since arrived. All those, as well as the letters which accompanied your draft with Great Britain, together with my reports in favor of them and of that draft, are under the consideration of Congress, and as yet have produced no instructions to you on the subjects of them. So much time has elapsed since nine States were represented in Congress, that many important matters still lie undiscussed and undecided.

I herewith enclose two copies of a report of Secretary Thomson, of 2d January, which will afford you accurate information of the acts of the several Legislatures respecting the requisitions of Congress. The facts stated in it place the necessity of more system and stronger federal government in a strong light. Send one copy to Mr. Jefferson.

I also enclose a copy of my report (to which Congress has agreed) on the subject of certain representations from Massachusetts which are mentioned in it. The papers which ought to accompany this report are very voluminous, and cannot possibly be copied in time for this packet. They shall be sent by the next, or by any good opportunity that may soon offer.

Three vessels will sail from this port for Canton the first fair wind, viz: the ship *Empress of China*, Captain Green; the ship *Hope*, Captain McGee; and the brigantine *Betsey*, Captain Neal McHenry. One is also ready to sail from Philadelphia, viz: the ship *Canton*, Captain Truxton. Congress have appointed Samuel Shaw, Esq., formerly aid-de-camp to General Knox, to be their Consul at Canton, and Mr. Thomas Randal, of Philadelphia, to be their Vice-Consul there.

I just learn that they applied to Mr. Van Berckel for letters to Batavia, but he declined giving them any, although he granted that favor to Captain Green the last voyage. Hence, it seems that the Dutch already begin to be jealous of our commerce with the East.

To avoid British laws, a Mr. Lee lately brought here from India a rich cargo, and returns in one of the said vessels. Others will probably do the like; if so, the consequence may be important. Captain Sears, of this town, (whom you know,) adventures largely in this new commerce. He goes to Canton in the *Hope*.

The public paper of this State has lately risen in price, owing to the general expectation that the Legislature are earnest in their profession to restore public credit. Appearances may be delusive, but there is reason at present to expect that this Legislature will do more good than the last.

Mr. Temple neither does nor says much, that I can learn. He seems cautious.

I have the honor to be, &c.,

JOHN JAY.

P. S. Mr. Wyngrove, who seems to be a very good man, is the bearer of these despatches.

“By the United States in Congress assembled, January 2, 1786.

“Ordered, That the Secretary of Congress report the number of States which have complied in whole or in part with the revenue

‘system of April 18th, 1783, the recommendation of Congress of the same date for an alteration of the 8th of the Articles of Confederation and the act of the 30th of April, 1784, recommending the vesting of certain commercial powers in Congress.’”

Office of Secretary of Congress, January 4, 1786.

In obedience to the orders of Congress, the Secretary of Congress reports :

That the revenue system of 18th April, 1783, consists of two parts

1st. A recommendation to the States to invest the United States in Congress assembled, with a power to levy for the use of the United States certain duties upon goods imported into the said States from any foreign port, island, or plantation, to be applied to the discharge of the interest and principal of the debts contracted on the faith of the United States, agreeably to the resolution of 16th December, 1782, and not to be continued for a longer term than twenty-five years. The collectors of the duties to be appointed by the States respectively, but when appointed to be amenable to, and removable by the United States in Congress assembled alone. And in case any State shall not make such appointment within one month after notice given for that purpose, the appointment may be made by the United States in Congress assembled.

With this part of the act the following States have complied :

New Hampshire,	by act of 1st and 2d January, 1784.
Massachusetts,	do. 30th October, 1783.
Connecticut,	do. May, 1784.
New Jersey,	do. 11th June, 1783.
Pennsylvania,	do. 23d September, 1783.
Virginia,	do. October, 1783, chap. 31.
North Carolina,	do. June, 1784.
South Carolina,	do. 21st March, 1784.

Rhode Island, in the session of their Legislature in the spring of 1785, passed an act for levying the duties pointed out by Congress, but have therein enacted that the collectors shall be appointed by and amenable to the General Assembly, and that of the money arising from the duties a certain sum, viz : 8,000 dollars, shall be appropriated in their Treasury for the payment of the interest of that State's proportion of the foreign debt of the United States, and paid to the order of Congress, and that the surplus of the duties, and the

amount of other taxes ordered by the said act, shall be appropriated to the payment of the interest of the internal debt of the United States due within that State. This act to take effect when the other States in the Union agree to the said impost to the acceptance of Congress, and have provided other adequate funds for completing their quota of 1,500,000 dollars, according to the requisition of Congress of 18th April, 1783; but with this proviso, and upon this express condition, "That no duties shall be collected upon articles imported into any State upon which the said duties have been paid in any other State; and that no duty shall be imposed by any one State upon the citizens of another State, either upon imported articles having paid the duties aforesaid, or upon any articles of the growth, produce, or manufacture of the United States."

The State of Maryland, in June, 1782, pursuant to acts of Congress of 3d and 7th February, 1781, passed "An act to authorize the United States, in Congress assembled, to impose and levy a duty of *five per cent.* on imported foreign goods, and on all prizes and prize goods, for the payment of the debts contracted by Congress during the war." And in the November session, 1784, their legislature passed a supplement to the aforementioned act, whereby it should take effect as soon as twelve States, including that State, vested Congress with similar powers. But it does not appear that they have passed any act pursuant to the recommendation of Congress of 18th April, 1783.

Delaware, it is said, has passed an act conformable to the recommendation abovementioned. But no official information thereof has yet been transmitted to this office, or to the Board of Treasury.

The second part of the revenue system of 18th April, 1783, consists of a recommendation to the several States to establish for a term limited to twenty-five years, and to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war, substantial and effectual revenues of such nature as they may judge most convenient for supplying their respective proportions of 1,500,000 dollars annually, exclusive of the aforementioned duties.

With this part of the act the following States have complied:

New Jersey, by their act of 20th December, 1783.

Pennsylvania, do. September, 1783.

North Carolina, do. June, 1784.

Rhode Island, in the act abovementioned, has enacted that a tax of one Spanish silver milled dollar, upon every hundred acres of land within that State, upon every male poll in the State of twenty-one years of age, and upon every horse or mare of two years old and upwards, shall be annually laid, levied, and collected, and that the amount thereof shall be appropriated to the payment of the interest of the internal debt of the United States due within that State, with the proviso and on the condition above set forth.

The act of the 18th April, 1783, also recommends to the States an alteration in the 8th of the articles of confederation and perpetual union, for ascertaining with more convenience and certainty the proportions to be supplied by the States respectively to the common treasury. And the several States are advised to authorize their respective delegates to subscribe and ratify the same, as part of the said instrument of union, in the words therein mentioned.

With this part of the act the following States have complied:

Massachusetts, by their act of 2d July, 1785.

Connecticut, do. May, 1783.

New York, do. April, 1785.

New Jersey, do. June, 1783.

Pennsylvania, do. August, 1783.

Maryland, do. November, 1784.

Virginia, do. May, 1784.

North Carolina, do. June, 1784.

By the act of 26th April, 1784, it is recommended to the Legislatures of the several States to vest the United States, in Congress assembled, with power—

1st. To prohibit any goods, wares, or merchandize, from being imported into, or exported from, any of the States in vessels belonging to, or navigated by, the subjects of any Power with whom these States have not formed treaties of commerce.

2d. To prohibit the subjects of any foreign State, Kingdom, or Empire, unless authorized by treaty, from importing into the United States any goods, wares, or merchandizes, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

In pursuance of this act,

New Hampshire has invested Congress for fifteen years with full power to regulate the trade of the United States as they may judge

est calculated to promote the weal and prosperity thereof; the fees, profits, and emoluments arising from their regulations to be appropriated to the sole use of discharging public debts. See act 22d June, 1785.

Massachusetts has passed a law in the terms of the recommendation 1st July, 1784.

Rhode Island has empowered their delegates to agree to ratify any article empowering the United States in Congress assembled to regulate, restrain, or prohibit, the importation of all foreign goods in any but American vessels. See act passed February session, 1785. And by an additional act, passed October, 1785, the delegates are empowered to agree to any article by which the United States in Congress assembled shall be solely empowered to regulate the trade and commerce of the respective States and citizens thereof with each other, and to regulate, restrain, and prohibit the importation of all foreign goods in American vessels for twenty-five years.

New York has passed an act in the terms of the recommendation, 4th April, 1785.

New Jersey, do., 26th November, 1785.

Pennsylvania, do., 15th December, 1784.

Maryland, do., November, 1784.

Virginia, do., 3d May, 1784.

North Carolina, do., 2d June, 1784.

Connecticut, do., May, 1785.

Ordered, That the above report be printed for the use of the members.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, February 22, 1786.

Dear Sir,

I had the honor of writing to you on the 3d instant, since which I have not had the pleasure of receiving any letters from you. Among other papers then sent was a copy of a report (agreed to by Congress) on the subject of certain representations from Massachusetts; but copies of the documents referred to in it, and which were then making, could not be completed in time to be then sent. You will find them herewith enclosed, together with a list or account of them.

Nine States are not yet represented in Congress, and therefore the affairs of the Department continue in the same state that they were in at the date of my last.

The public papers will enable you to see the complexion of the times. Federal opinions grow, but will be sometime before they will bear fruit; and what is not the case with most other fruits, they will, to judge from present appearances, ripen slower in the *South* than in the *North*.

The packet will sail next week. I shall then write to you again.

With great and sincere esteem, &c.,

JOHN JAY.

Office for Foreign Affairs, January 3, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of 4th November last, from his Excellency the Governor of Massachusetts to the Delegates of that Commonwealth in Congress, reports:

That this letter states in substance that divers effects had, by orders of the British Commanders-in-Chief, been taken from the inhabitants, not as the property of enemies, but of persons under their protection, under the idea that the former ownership continued, and the greater part of which was expressly engaged to be restored by those commanders.

That the latter clause in a British act of Parliament, passed 29th November, 1774, creates legal impediments to those owners recovering in due course of law the value of their effects so taken.

That considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produce it, the Legislature is induced to believe that if Congress would instruct their Minister at the Court of London to move this subject, properly digested, to that Court, the Government of that nation would so far reconsider their former doings on it as to remove those impediments, or make some other provision whereby right and justice shall be done to the parties and individuals more immediately concerned.

If Congress make any application to the British Court on this subject, it can only be either for *justice* or for *favor*; the latter will doubtless be out of the question. If for *justice*, two questions arise:

first, whether their application can be supported on that ground; and, *secondly*, whether it probably will be successful if it can be so supported.

The clause recites that "Whereas, before the passing of this act, divers persons, vessels, cargoes, and *other effects* may have been seized, detained, damaged, or destroyed, in pursuance of orders, regulations, restrictions, and limitations heretofore issued and established by the Commanders-in-Chief of his Majesty's forces in North America, or by persons acting under their authority, for the *public service*, and for suppressing the rebellion in North America."

It then enacts, "that all such acts, matters, and things, shall be deemed, and are hereby declared to be, legal, to all intents and purposes whatever; and all actions, &c., for, or by reason of any act, matter, or thing advised, commanded, appointed, or done, with respect to such orders and regulations, by the said Commanders-in-Chief, or by any person acting under their authority, shall be discharged and made void."

May it not be questioned whether this act can be construed to invalidate the engagements or promises of the commanders to make restoration; or in other words, can effects, taken under such engagements, be considered as coming within the view and provision of the statute, which, from the nature of it, must be construed strictly?

If the court and their judges should adopt this idea, the matter will naturally remain as it now is, and the application would produce nothing, except, perhaps, an opinion that it was premature.

If, on the other hand, they should consider all these cases as within the act, might they not answer, that all military violence and injuries on both sides were done away by the peace, and that, as these cases were not provided for in it, they must remain as they then were?

May they not also answer, that we pass laws in some of the States impeding British creditors from recovering their debts, as stipulated by the peace, and that in another we pass laws authorizing actions at law for damages done during the war by military order, and that, while such acts continue, such applications should be postponed?

Admit that justice demands of them to remove the impediments in question, is it probable that they would do it?

A judgment of the temper of the nation in general, and of their Parliament in particular, may be formed from Mr. Adams's letters;

and they, in the opinion of your Secretary, represent it in a point of view so unfavorable as to promise no success to such an application. Many of their officers might be deeply affected by the loss of that indemnity which they now hold on the faith of Government; and it is not likely that they will open their Treasury and compensate the sufferers in question out of it, when so many refugees, for whom they are bound to provide, are daily importuning them for money.

For these and a variety of reasons your Secretary thinks it not probable that such an application would be successful; and he also thinks that Congress should never demand or ask for even justice, while they have great reason to apprehend a refusal, unless in cases where they may be able and determined to compel a compliance by force or retaliation.

If a period should arrive when both countries shall be disposed to do away whatever may be mutually offensive or disagreeable, it is not improbable that in the moment of that good humor they might do something for the sufferers under consideration; but that period has not yet arrived.

Upon the whole matter, your Secretary is of opinion that copies of these papers should be transmitted to Mr. Adams; that he be instructed to sound the British Minister on the subject, but not to bring forward any formal demand or representation on the subject, unless from preceding circumstances he shall be induced to think that it would have a favorable issue, it being the intention of Congress to refer the time and manner of doing it to his prudence and discretion.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Papers on which the foregoing Report was made, viz :

[No. 1.]

From the Governor of Massachusetts to the Delegates of that State in Congress.

Commonwealth of Massachusetts, }
Council Chamber, Boston, November 4, 1785. }

Gentlemen,

The memorials presented to the Legislature of this Commonwealth, copies of which you have enclosed, with the papers that tend to

support the facts stated in them, will suggest to your consideration a subject interesting to many individuals of this State. As this subject must be considered and adjusted on national principles, and may properly come under the consideration of Congress, you will give it that attention it deserves, and conduct it in such manner as shall appear to you most for the interest of the public, and the individuals concerned. It appears that not only the property of the persons described in the enclosed papers, but that the property of several other individuals, citizens of this State, was, during the late war, taken from them under similar circumstances, by virtue of the orders of the British Commanders-in-Chief in America, not as the property of enemies forfeited to the captors by the laws of war; but as the property of persons under their protection, which was taken under the idea that the former ownership continued, and a great part of which was expressly engaged to be restored by those commanders. Whence a just debt of a private nature, a just right and claim, accrued to each of these individuals to demand and have an equivalent. And though the operations of law, and the means of recovering those debts were suspended during the war as a consequence of it, yet the British Government ought not, by a legislative act, to have created, or now to continue legal impediments to the recovery of them; or at least it is, according to the modern laws and usages of nations, right and just that the Legislature of that kingdom should now remove those impediments by repealing the latter clause in the act of Parliament, a copy of which is enclosed, or make other provision for doing justice in this case. Considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the Legislature of this Commonwealth is induced to believe, that if Congress should instruct their Minister at the Court of London to move this subject properly digested to that Court, the Government of that nation will so far reconsider their former doings on it as to remove those impediments, or make some other provision whereby right and justice shall be done to the parties and individuals more immediately concerned.

In behalf of the Legislature, who prepared the foregoing letter, I have the honor to be, very respectfully, &c.,

JAMES BOWDOIN.

[No. 2.]

COMMONWEALTH OF MASSACHUSETTS.

*To the Honorable Senate and Honorable House of Representatives
in General Court assembled at Boston, October, A. D. 1785.*

The memorial and petition of Thomas Bulfinch, of Boston Physician, humbly shews—

That on the 19th of April, 1775, when hostilities were commenced between the troops of the King of Great Britain and the people of this country, your petitioner was, as he from his birth had been, an inhabitant of the town of Boston, and being at that time visited with sickness in his family, and having a number of patients laboring under a variety of maladies, whose health, if not lives, depended on his constant and critical care and attention, he was constrained from principles of humanity to remain within the town, under the solemn engagement entered into by the Commander-in-Chief of the British troops to the inhabitants, that the persons and property of such a continued within the garrison should be safe and secure. That your petitioner at this time was the proprietor of a shop and stores under the care of Mr. Peter Roberts, Apothecary, stocked with a large and valuable assortment of all kinds of drugs, medicines, and other merchandizes, to the amount of 3,421*l.* 2*s.* 6*d.* sterling, according to the best and most accurate calculation that he is now able to make, to which he has subjoined a demand for lawful interest on that sum; that on the 14th day of December, A. D. 1775, your petitioner's said shop and stores were forcibly broken open by the provost of the garrison, assisted by certain British officers to your petitioner's unknown, by virtue of orders given them by General Sir William Howe, then commander-in-chief, and all his property to the aforesaid amount taken and carried away for the use of the British hospital, against the repeated remonstrances of your petitioner, who was denied the privilege even of taking an account of the articles, and was refused a receipt or acknowledgment of the same, which he afterwards solicited. All which will appear by the deposition and other papers herewith exhibited.

That your petitioner flattered himself that, as no declaration of independence had then been made, and the inhabitants of both

countries acknowledged the King of Britain as their common sovereign, the common law of England as practised in either country would construe the injury done him, into a civil trespass, for which he might one day be compensated in damages by a suit at law against Sir William Howe, and accordingly at the conclusion of the war, finding the treaty of peace had left open to the individuals of both countries their legal remedies for just demands, your petitioner sent his evidence aforesaid to Great Britain, with directions to his friend there to institute a suit against Sir William Howe for the recovery of damages for the injury he had sustained; but he now finds that the Parliament of Great Britain have passed a solemn act of indemnity in favor of Sir William Howe, and all others who acted under his command while in America, against all supposed wrongs by him or them committed during the war, and have thereby not only prevented your petitioner from his individual remedy at law, but have adopted the doings of Sir William Howe, and made the nation answerable for his conduct. The American Minister at that Court has been accordingly applied to in this view of it, but he declines entering upon the subject until he is empowered and directed by Congress specially on the subject; though (as your petitioner has been informed) he has been pleased to acknowledge the justice and propriety of the measure.

As, therefore, your petitioner's property was forcibly taken from him while under the power and control of the British army, and by order of the Governor of *their* garrison, and was appropriated to the use and benefit of the British Government; and as the Supreme Legislature of that kingdom have deprived your petitioner of his legal remedy by a public national act, contrary (as he humbly conceives) to the spirit and meaning of the 4th article of the treaty of peace, he has no other mode of redress but by imploring the interposition of the Government to which he owes and pays allegiance upon national principles; and which, by the original social compact, which each individual has entered into with society, and society with each individual, they are bound to afford. He, therefore, prays this honorable court would take his case into their consideration, and grant him relief by requesting the United States in Congress assembled to instruct their Minister at the Court of London to demand of that nation an equivalent for the property taken as aforesaid, and that your Honors would also pass an act that no suit should be sustained against your petitioner for any moneys due from him to

any of the subjects of the King of Great Britain (to some of whom he stands partly indebted for the goods taken as aforesaid) until such equivalent is granted, or the act of indemnity aforesaid of the said British Parliament in favor of said Sir William Howe is repealed, or that this honorable Court would otherwise interpose their supreme authority for the relief of your petitioner in the premises, as to them shall seem right and fit; and, as in duty bound, he shall ever pray.

THOMAS BULFINCH.

Boston, October 24, 1785.

[No. 3.]

To the Honorable the Senate and the Honorable House of Representatives of the Commonwealth of Massachusetts in General Court assembled, on the 22d day of October, 1785.

The memorial of John Rowe, Samuel Austin, Samuel Partridge, and Samuel Dashwood, humbly shews—

That, when in the year 1775, the town of Boston was made a garrison by the army of the King of Great Britain, they were respectively possessed of a very great quantity of merchandize, which was in their stores and shops within the town; that there being at the time, or before the 17th day of March, 1776, the day when the said garrison was withdrawn, no declaration of the independence of the United States of America, all the people within as well as without the town were confessedly the subjects of the King of Great Britain, and those who necessarily remained with their property under the control, were also under the protection of the British army, and according to either the municipal laws of England and this country, or the laws by which nations at war at all times govern themselves, had a right to expect the complete protection of their persons and property from the army then within the town. The want of health which the said Rowe then labored under rendered it necessary that he should remove himself to some place where he could have enjoyed more tranquillity and a better air; but his removal was expressly prohibited by the commander-in-chief, as was that also of the said Samuel Dashwood. The said Samuel Austin was, during the time aforesaid, employed as a Selectman of the town, and the said Samuel Partridge as an overseer of the poor. Their presence in their offices was no less necessary to the comfort and relief of their fellow-

citizens than to the government of the town, and their employment and attention at the request of the commander and the supplications of the people, were arduous and unremitted. In this situation all your memorialists continued until General Howe withdrew himself from Boston.

On the 10th of March, 1776, General Howe issued his proclamation directing the people to deliver their goods on board the ship *Minerva*, to Crean Brush, as appears by paper numbered 1, herewith presented. On the same day the General issued his other orders, directed to Crean Brush, authorizing and requiring him to take into his possession all such goods as if in the possession of the American army would enable them to carry on the war, as will appear by paper No. 2; in consequence whereof the said Crean Brush took into his possession and carried away from the said John Rowe goods to the amount in value of two thousand two hundred and sixty-six pounds one shilling, as appears by papers numbered 3 and 4, the originals whereof remain in the office of the Secretary of the Commonwealth; and also took and carried away from the said Samuel Austin merchandize to the amount in value of three thousand six hundred and forty-six pounds seven shillings and ten pence, as appears by his account, duly attested, and numbered 7, 8, 9, 10, and 11; and goods of the said Partridge to the value of five hundred and thirty-six pounds sixteen shillings and a penny two farthings sterling money, as will appear by the papers Nos. 12, 13, and 14; and from the said Samuel Dashwood merchandize to the value of four thousand eight hundred and twenty-three pounds ten shillings, as will appear from papers numbered 15, 16, 17, and 18; the legal interest upon which sums has amounted to the several sums calculated and expressed at the foot of the accounts which the memorialists have herewith separately presented.

Your petitioners feeling themselves exceedingly oppressed by the loss of their property, and knowing the same to be taken by order of the government which the town was then under, had strong hopes of regaining the value of their goods upon the commencement of a peace between the two countries, and therefore, soon after the late treaty, employed an agent to prosecute the matter; but on his arrival in England he found General Howe indemnified by an act of the Parliament of Great Britain from any action that might be brought against him, or any one acting under him in the measure aforesaid, a copy whereof is herewith presented, and numbered 19, and the last

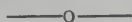
section therein is above referred to. The agent of your memorialists made application to the Honorable Mr. Adams, Minister of the United States at the Court of London, but he having no instruction from Congress upon the matter, could afford him no assistance.

Your memorialists do humbly conceive that as their property was taken by order of the British Government while they were under the control, and, consequently, under the protection of the army of that Government, and taken, as they can make appear, with a professed intention as well for the benefit of the British merchants, to whom your memorialists stood indebted, as for the use of the army of the King of Great Britain, that the value thereof is clearly due to them within the spirit and meaning of the 4th article of the treaty of peace, and that there ought to be no legal impediment to their recovering the same; nevertheless, the abovementioned act of Parliament forbids their having a legal demand against Sir William Howe for the same, by means whereof they have now no redress but by applying upon national principles to the Government to which they owe allegiance. And do therefore pray your Honors to grant them relief, by requesting the United States, in Congress assembled, to instruct their Minister at the Court of London to demand of the Government there an equivalent for the property taken; and also by passing an act that no suit should be maintained against either of your memorialists for any money due from them respectively to any of the subjects of the King of Great Britain until such equivalent is insured, or the act of indemnity aforesaid is repealed. As your memorialists, as citizens of this Commonwealth, have to look to your Honors alone for assistance upon all matters of national right and justice, they can have no reason to doubt of your attention to their memorial, and rest satisfied that as the honor and interests of the United States stand sacredly pledged to assist each individual, where the wrongs committed by a foreign Power cannot be redressed by the municipal laws of the country, they shall have the wisdom not only of this Legislature, but that of the United States in Congress assembled, to obtain them a recompense for the injury they have sustained.

JOHN ROWE,
SAMUEL AUSTIN,
SAMUEL PARTRIDGE,
SAMUEL DASHWOOD.

A true copy, }
Attest: } JOHN AVERY, Jr., *Secretary.*

- No. 4. An authenticated copy of a letter from Dr. Morris to Dr. Bulfinch, December 19, 1785.
- No. 5. Dr. Bulfinch's account.
- No. 6, 7, and 8. Affidavits of P. Roberts, Charles Joy, and John Hoffains, for Dr. Bulfinch.
- No. 9. John Rowe's account.
- No. 10. Philip Jarvis's deposition for John Rowe.
- No. 11. Samuel Austin's account.
- No. 12. Affidavits of Timothy Newell and Samuel Sloan for Mr. Austin.
- No. 13. Samuel Partridge's account.
- No. 14, 15. Affidavits of Lydia Brown, E. Ivers, and Ann Wheeler, in favor of Samuel Partridge.
- No. 16. Samuel Dashwood's invoice of goods, and his testimony.
- No. 17, 18. Depositions of Eliza Ivers, Ann Wheeler, and Isabella Welsh for Samuel Dashwood.
- No. 19, 20. General Howe's order to Crean Brush, and Brush's examination.
- No. 21. General Howe's proclamation of 10th March, 1776.
- A printed act of Parliament passed on the 26th November, 1774.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, November 4, 1785.

Dear Sir,

Yesterday, at the Minister's levee, one of the foreign Ministers put into my hands a Leyden gazette, in which I found announced to the public an *arrêt* of the King of France of the 18th of September, in which a bounty of ten livres per quintal is promised to any French merchants who shall import into the market of the French West India Islands, or of Spain, Portugal, or Italy, any fish of the French fisheries, and in which the impost upon all foreign fish is raised to five livres a quintal. This amounts to an encouragement of fifteen livres a quintal upon French fish in the West Indies.

As the supply of the French islands with fish is so material, perhaps so essential to our fishery, this ordinance deserves the earliest and most serious attention of every man in America who has any regard to our fisheries.

As the supply of the French islands with fish is of so much consequence to the British fishery, I took occasion, in a conference with

the Marquis of Caermarthen, to mention it to him, and to observe to him, that I left it to his Lordship to consider whether the British fisheries could be supported against the influence of this ordinance without the freest communication of supplies from the United States. His Lordship thought it deserved consideration, and that was all the oracle would deliver. I afterwards mentioned it to Mr. Frazer, his Lordship's under Secretary of State.

The Marquis of Caermarthen, that I may let you into enough of his character to account for his conduct, is a modest, amiable man, treats all men with civility, and is much esteemed by the foreign Ministers as well as the nation; but is not an enterprising Minister, is never assuming, and, I believe, never takes upon himself to decide any point of importance without consulting the Cabinet. He never gives his private opinion, but in all things which respect America, I do not believe that he or any other of the Ministry has yet formed any. We shall, I think, learn nothing of their designs till they are brought forth in Parliament, in the course of the winter and spring.

Mr. Pitt commenced his career with sentiments rather liberal towards the United States; but since he has been Prime Minister, he has appeared to have given ear to the Chancellor and Lord Gower, Mr. Dundas, and Mr. Jenkinson, with their instruments, Irvin, Chalmers, Smith, and others, so much as to have departed from his first principle. He has tried the experiments of the Newfoundland bill and the fourth Irish proposition; but finding the fatal success of both, he may be brought back to the system with which he set out; but I doubt it, or rather I am convinced he never will, until he is obliged to it by our States adopting navigation acts.

There is published this morning in the Chronicle the proceedings at Charleston on the 15th August, which look very encouraging, if the Legislature of South Carolina lay partial restrictions on the ships of such nations as have no treaty of commerce with the United States. I think it cannot be doubted that all the other States will come into the measure, because there is none which will suffer a greater temporary inconvenience by it. These measures have a tendency to encourage the naval stores of North Carolina so much, that she will be a gainer.

But the principal danger is, that these restrictions may not be sufficiently high to give a clear advantage to the ships of the United States.

I cannot repeat to you too often, sir, that all my hopes are founded upon such exertions in America. The trade with America must come under consideration of Parliament in the renovation of the intercourse act, if not of the Newfoundland act; and their deliberations will be influenced by nothing but American navigation acts. I fear there are not enough of these yet made, nor likely to be made this year, to have much effect.

This nation is strongly blinded by prejudice and passion. They are ignorant of the subject beyond conception. There is a prohibition of the truth arising from popular anger. Printers will print nothing which is true without pay, because it displeases their readers; while the gazettes are open to lies, because they are eagerly read and make the paper sell. Scribblers for bread are wholly occupied in abusing the United States; and writers for fame, if there are any such left in this country, find the public applause wholly against us. The rise of the stocks established Mr. Pitt, and if he were willing he would scarcely be able to do right until America shall enable him and oblige him.

I am, sir, &c.,

JOHN ADAMS.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, May 1, 1786.

Dear Sir,

It is the pleasure of Congress that you protract your negotiation with the Court of Great Britain, respecting posts which should have been, before this, surrendered to the United States, and other infractions of the said treaty by that Power, so as to avoid demanding a categorical answer respecting the same until the further orders of Congress.

I have the honor to be, &c.,

JOHN JAY.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, November 5, 1785.

Dear Sir,

The Chevalier de Pinto, Envoy Extraordinary and Minister Plenipotentiary from Portugal, after a long absence by leave of his Court,

is lately arrived here from Lisbon. Upon several occasions when I met him at Court and upon visits, he told me that he had orders from his Court to confer with me upon the project of a treaty between the United States and Portugal; but he never descended to particulars till yesterday, when he called upon me, and said that before he left Lisbon his Court had learned that I was in England, and had charged him to enter into conference with me concerning the project of a treaty which had been transmitted to his Court by the Count de Souza; that the Portuguese Ministry, notwithstanding their high esteem for their Ambassador in France, knowing that he lived in the country, and was in distress, did not choose that the negotiation should be any longer conducted by him, but had committed the project to their Envoy at the Court of England, and had instructed him to assure me that the Court of Lisbon was sincerely desirous of entering into a treaty of commerce with the United States of America, a Power with which it was more convenient for Portugal to trade than any other; but there were some things in the plan proposed which were inadmissible, particularly the Americans could never be admitted into the Brazils; it was impossible. It was the invariable maxim of their Court to exclude all nations from those territories; and having himself served for some years as Governor General of one of the Brazils, he knew it was a policy from which his Court could never, on any consideration, depart; that it was a great compliment to him to be preferred to the Count de Souza for the conduct of such a negotiation; that he made no pretensions to such merit, but readily acknowledged the superiority of the Ambassador; but it was the pleasure of his Court, and he had no right to dispute it.

I answered that I had no authority to treat, but in conjunction with Mr. Jefferson, the Minister Plenipotentiary of the United States at the Court of Versailles. That the full power to treat with Portugal was to Mr. Jefferson and me jointly; so that I could conclude nothing without his concurrence, nor carry on any conferences without communicating them to him. To this I supposed he could have no objection. He said, none at all.

His first instruction was, he said, to confer with me concerning the mutual wants and several productions of our countries which might be the objects of commerce. His countrymen wanted, he said, grain. I asked if they did not want flour? He said he was not

precisely instructed concerning flour, but they had mills in Portugal which they wished to employ. I replied, that in every negotiation, I thought there ought to be a mutual consideration of each other's profits and losses, advantages and disadvantages, so that the result might be equitable, and give satisfaction on both sides; that a commerce founded upon compacts made upon this principle would ever be carried on with more pleasure, and to better effect; that we had mills which we wished to employ as well as Portugal, and mills as costly and as good as those of any nation. In this respect, then, our pretensions were mutual and equal; but there were other particulars, in which, without any benefit to Portugal, the loss to the United States would be very great. The commodity was more difficult to preserve in grain than in flour. It was more exposed to the insect and to heat, both at home and upon the passage, by which the loss upon wheat was much greater than that upon flour; that it would not be equitable then for Portugal to receive wheat to the exclusion of flour; that this was a point of so much importance that it would facilitate the treaty, and encourage the commerce, if his Court should think fit to agree to receive our flour.

He said he had not precise instructions, but he would write to his Court particularly upon the subject. The next article wanted by the Portuguese was lumber of various sorts, particularly staves for pipes in large quantities. They wanted also ship-timber, pitch, tar, and turpentine; pot ash for their manufactures of glass, iron, masts, yards, and bowsprits, furs, ginseng, and above all, salt fish. The consumption of this article in Portugal, he said, was immense, and he would avow to me that the American salt fish was preferred to any other on account of its quality.

Here you see, says the Chevalier del Pinto, is a catalogue of articles which the Portuguese will want in larger or smaller quantities. Now, what are the articles you can take in America in exchange? It behooves my nation to inquire what they can supply yours with, otherwise the balance in your favor may be too ruinous to us. It happens unluckily for Portugal that the Americans have no occasion for our principal commodities, which are tobacco, rice, indigo, &c., the produce of the Brazils.

I replied that the United States had been used to take considerable quantities of Madeira, Lisbon, and Port wines, fruits, olive oils, salt, &c. He asked why we could not take tea from Lisbon? They

imported from the East large quantities, and very good. The English East India Company had purchased of them this year tea to the amount of forty thousand pounds, and he thought they could sell it to us cheaper than we bought it elsewhere. They could supply us, likewise, with other East India goods. Perhaps we intended to supply ourselves by a direct trade to India. He was glad to hear that our first enterprizes had succeeded; but if we continued to take any part of our consumption from Europe, they could supply us as cheaply as any other nation. Sugar, too, the produce of the Brazils, they could furnish to us of as good quality as English or French, and much cheaper. If we should think of manufactures among ourselves, they could let us have wool of the same quality with the Spanish, and cotton in any quantities we might want. If we made chocolate, they could sell us cocoa. Indeed they had woollen manufactures, and could afford us cloth as good and cheap as other nations. These were things, I replied, in which the merchants on both sides should speculate. If the United States should proceed in the plan already begun, of encouraging their own manufactures, the raw materials of wool and cotton would be in demand. And if they persevered in their measures for encouraging their own navigation, they would want large quantities of hemp, sail cloth, &c., from the Baltic; and for what I know, they might find their account in taking sugars, cotton, cocoa, &c., at Lisbon to carry as remittances to Petersburg and Stockholm. They might even, upon some occasions, purchase tobacco, rice, and indigo, for the same market as well as the Mediterranean, if that sea should be open to our ships. But all these things would depend upon the facilities given to our commodities by the treaty. Nothing would contribute so much to promote the trade as their receiving our flour without duties or discouragements. Our ready-built ships, too, were an article of importance to us. He said he did not know that our ready-built ships were prohibited. I asked if they could not take our spermaceti oil to burn in their lamps, or for any other uses. He said no; they had such an abundance of oil made in the country, of olives which grew there, that they had no occasion for their own spermaceti oil, which they sold to Spain. They had now a very pretty spermaceti whale fishery, which they had learned of the New Englanders, and carried on upon the coast of Brazil. I asked if they could not take our spermaceti candles, and burn them in their churches? He

said they made some wax in Portugal, and some in Brazil, but he would own it was not enough for their consumption. The surplus they bought in Italy and Barbary at a dear rate. At length, I observed to the Chevalier, that Portugal abounded in two articles which would be extremely convenient to my fellow-citizens, in which she might always balance accounts with us to our entire satisfaction, whether we should take more or less of their other commodities. These were silver and gold; than which no kind of merchandize was in greater demand, or had a higher reputation. The Chevalier thought the taste of his countrymen so much like ours, that they had rather pay us in any thing else.

I added, if the conduct of the Court of St. James should oblige the United States to make a navigation act, their commerce must increase with Portugal. A navigation act! says he. Why t ere is not a nation in Europe that would suffer a navigation act to be made in any other, at this day. The English navigation act was made in times of ignorance, when few nations cultivated commerce, and no Court but this understood or cared any thing about it; but at present all Courts were attentive to it. For his part, if he were Minister in Portugal, he would not hesitate to exclude from her ports the ships of any nation that should make such an act. I replied, that I did not mean a navigation act against any nation but this; but if the English persevered in enforcing their act against us, we could do no other than make one against them. The Chevalier said we should be perfectly in the right. The Courts of Europe had a long time cried out against this act of the English. If it were now to begin, it would not be submitted to.

This observation is just, and it may be carried farther. I do not believe the British navigation act can last long, at least, I am persuaded, if America has spirit enough, *umbone repellere umbonem*, that all the nations will soon follow her example, and the apprehension of this would be alone sufficient, if thinking beings governed this island, to induce them to silence America by giving her satisfaction. But they rely upon our disunion, and think it will be time enough when we shall have shown that we can agree.

The Chevalier concluded the conference by saying that he would write to his Court for farther information and instructions, and, as I understood him, for full powers; but before he went away he said, he had orders from his Court to inquire of me what were the senti-

ments of Congress upon the head of Ministers and Consuls, whether they would send a Minister and Consul to Lisbon. His Court had a mind to send somebody to the United States, but etiquette required that Congress should send in return to Portugal. I answered, that in the project of a treaty which was in his possession, there was an article that each party should have a right to send Consuls, so that when the treaty was concluded, Portugal would be at liberty to send when she would; as to Ministers I had no instructions, but there could be no doubt, that if their Majesties of Portugal thought proper to send an Ambassador of any denomination, he would be received by Congress with all the respect due to his character and his sovereign. He said, if there was a treaty there ought to be Ministers. I could not answer to this particularly for want of instructions, but Congress had as yet but few Ministers abroad, and, indeed, they had not found many gentlemen disposed to quit the delights of their own families and connexions, and the esteem of their fellow-citizens, for the sake of serving in Europe; and here ended the conversation.

With great esteem, &c.,

JOHN ADAMS.

P. S. I forgot to mention, in its place, that I asked the Chevalier about our ships being admitted to the Portuguese island of Macao, in the East Indies. He said that would be of importance to us, for he did not see how the commerce with China could be carried on without the use of that island, as there were certain seasons of the year when European ships, and American too, he supposed, could not be admitted into Canton. But our ships should enjoy the benefit of their island as fully as any nation in Europe.

You will perceive, sir, by this conference, what is more and more manifest every day, that there is, and will continue, a general scramble for navigation. Carrying trade, ship-building, fisheries, are the cry of every nation, and it will require all the skill and firmness of the United States to preserve a reasonable share of their own; they have brought treaties of commerce so much into fashion, that more have been made since the American war, and are now in negotiation, than had been made for a century before. Courts which never made one before, are now proposing them to several others. Portugal is supposed to be pushing for one with Russia; and if we have heretofore been discouraged and thwarted in any attempts, it was by those who meant to be beforehand with us, in proposals,

which they taught us to believe it unnecessary and beneath our dignity to make. France does not now think it beneath her dignity to propose a treaty with Russia, nor do French or English newspapers, under the direction of their Courts, think it beneath them to fill all Europe with reports of our disunion, and of the want of powers in Congress to make treaties, in order to keep us back.

The fatal policy of obstructing and delaying our treaties of commerce, especially with England, has thrown American merchants into their present distress, and not only prevented our acquiring fresh advantages in trade by the revolution, but taken from us many sources which we enjoyed before. Our countrymen, partly from penury and partly from fondness, have been too easily drawn into the snare.

J. A.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 11, 1785.

Dear Sir,

There is no better advice to be given to the merchants of the United States than to push their commerce to the East Indies as fast and as far as it will go.

If information from persons who ought to know may be depended upon, the tobacco and peltries, as well as the ginseng of the United States, are proper articles for the China market, and have been found to answer very well, and many other of our commodities may be found in demand there. But there is another resource, which may prove of equal value at present. There are many persons in the European factories in India, particularly the English, who have accumulated large property which they wish to transmit to Europe, but have not been able to do it, on account of the distance and the scarcity of freights. These would be glad to sell us their commodities, and take our bills of exchange upon Europe or America, payable in twelve or eighteen months, possibly in longer periods.

These facts are known to individuals in America, but will probably be concealed from the public at large, lest the speculators and adventurers should be too numerous for the profit of a few.

The States may greatly encourage these enterprises by laying on duties upon the importation of all East India goods from Europe, and, indeed, by proceeding in time to prohibitions. This, however,

may never be necessary. Duties judiciously calculated, and made high enough to give a clear advantage to the direct importer from India, will answer the end as effectually as prohibitions, and are less odious, and less liable to exceptions.

We should attend to this intercourse with the East with the more ardor, because the stronger the footing we obtain in those countries, of more importance will our friendship be to the Powers of Europe who have large connexions there. The East Indies will probably be the object and the theatre of the next war, and the more familiar we are with every thing relative to that country, the more will the contending parties desire to win us to their side, or at least, what we ought to wish for most, to keep us neutral.

Much will depend upon the behavior of our people who may go into those countries. If they endeavor, by an irreproachable integrity, humanity, and civility, to conciliate the esteem of the natives, they may easily become the most favored nation, for the conduct of European nations, in general, heretofore, has given us a great advantage.

East India manufactures in silk and cotton, &c., are prohibited in England, and as we have no such prohibitions in America, because we have no such manufactures for them to interfere with, we may take them to a great advantage.

I am, &c.,

JOHN ADAMS.

Report of Secretary Jay on Mr. Adams's letter of 11th November, 1785.

Office for Foreign Affairs, May 8, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from the honorable Mr. Adams of 11th November last, reports:

That the facts and observations contained in this letter appear to your Secretary to be well founded.

That Congress, for want of power to regulate trade by their own acts, can make no other use of this letter than to publish it or to refer it to the States.

That in his opinion it should not be published, lest it increase the jealousy with which our late adventures to the Indies have already inspired the nations trading thither.

That he also thinks it should not be referred to the States, because the clashing and unsystematical regulations which thirteen different States will naturally establish, must operate against national objects, and, therefore, that their interfering in national concerns, except in subordination to the Federal Government, should not be encouraged.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 24, 1785.

Dear Sir,

I was yesterday honored with your letter of the 14th of October, accompanied with the gazettes and the act of Congress of the 27th September.

You will learn from Mr. Dumas's letters, as well as by the public papers, that the treaty of defensive alliance between France and Holland was signed at Paris on the 10th of this month. The vain exertions of the Cabinet of St. James to prevent it are, so far from being a secret, that the English or Orange party, which is the same, have inserted them in their own *Courier du Bas Rhin*. The offers are there stated to have been the restitution of Negapatnam, the renunciation of the navigation of the Moluccas, the payment of the millions to the Emperor, the warranty of the new treaty with the Emperor, and the alteration of the navigation act in favor of Holland. Sir James Harris, with his Secretary of Legation and three clerks, are said to have been very busy, night and day; but all to no purpose. It is not at all to be wondered at that British Ministers should be alarmed; the only wonder is that they did not foresee and prevent the danger. Two years ago, by an honest settlement with America, and less costly offers to Holland, they might have maintained their rank among the Powers of Europe. It is now lost forever.

The loss of the empire of the seas, which their ambition has long aspired to, and which their arrogance has long claimed, would be a benefit to mankind, and no real evil to them; but they will now find it difficult to defend their liberty upon the seas; and if the United States of America should accede to this defensive alliance upon any

reasonable terms, think of it as they will, their navigation, their possessions in the east and west, and their Empire, will be at our mercy.

I am not informed whether Congress have any such measure in contemplation; but if they have, they ought not to delay it from any expectation of anything that I can do here. So far from entertaining any sanguine hopes, I think there is scarcely a possibility that I should do anything; there are divisions in the Ministry. Thurlow, Gower, Dundas, and Jenkinson, are of the old leaven, and the King will have them, or some other of the same stamp, to govern. Pitt is but a tool and an ostensible pageant—a nose of tender virgin wax; he could not carry in Parliament, nor in the Cabinet, any honest system with America, if he meant to do it; but he is himself very far from being steady in his American politics, any more than Camden or Richmond; and Sidney and Caermarthen are cyphers. This is naked truth, but I should be unworthy of your confidence if I did not expose it to you, although your prudence and that of Congress will not proclaim it to the world.

This great event of the French and Dutch alliance must awaken the feelings of this nation, if they have any left, and affords the only opportunity which has yet presented for offering, with any propriety, a memorial concerning the evacuation of the frontier posts. It would have looked somewhat too emphatic to have gone with a memorial the first moment of the arrival of the news, and it would be imprudent to delay it till the whole impression is worn off. As a medium, then, I have concluded on the day of the next stated conferences of the foreign Ministers, which will be next Thursday, before the drawing room, to wait on Lord Caermarthen with a memorial requiring, in the name of the United States, the evacuation of all the posts.

It will not be done, however, and I shall have no answer. They have not the courage to refuse any more than to comply. I have no answer to any of my letters or memorials to the Ministry, nor do I expect any before next spring—perhaps not then.

There is no resource for me in this nation. The people are discouraged and dispirited, from the general profligacy and want of principle; from the want of confidence in any leaders; from the frequent disappointments and impositions they have experienced in turn from all parties. Patriotism is no more, nor is any hypocrite successful enough to make himself believed to be one.

Fox and his friends and patrons are ruined by the endless expenses of the last elections, and have no longer any spirit or any enterprise.

North and his friends are afraid of impeachments and vengeance, and therefore will avoid all hazardous experiments by which the popular cry might be excited.

I see nothing, therefore, to prevent the States from completing their measures for the encouragement of their own manufactures and navigation, or from deliberating upon a new treaty of commerce with France, or even a new alliance. You might probably purchase a market for your ready-built ships, and your oil, &c., in France, and the admission of your flour, and all other things, to their islands, by stipulating to lay greater duties upon British than French ships and goods, to lay duties upon English West India rum in favor of French brandies, &c. But in these things I think we need not be in haste.

Mr. Barclay and Mr. Franks are gone to Morocco, and Mr. Lamb and Mr. Randall to Algiers, as I suppose.

Russia, as well as Portugal, are piqued at present with this Court, and Count Warranzow has several times lately asked a friend of mine why the United States did not make advances to his mistress. Our commissions for treating with the Powers of Europe expire next June—long before we shall have completed the business. Congress will determine whether to renew them.

I have the honor to be, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 24, 1785.

Dear Sir,

I should have added in my letter of this day that Shelburne professes to be steady to the principle which he adopted at the peace; and if he were to come in, he would do something if he could; but as an Irishman, he is hated both by the English and Scotch nobility. As Marquis of Lansdown, he is envied for his elevation over older families, and he seems to have no sufficient connexions to support a vigorous administration, nor do I learn there is any probability of his coming in.

Indeed, I think this nation will have dangerous convulsions. The nobility are poor, in debt, and distressed, and at present the great families all out of power. Ireland will give them trouble, and no one can say what events may turn up from day to day. If the stocks can be supported, however, the calm will continue; but it is doubtful whether this can be.

There is no question more frequently asked me by the foreign Ministers, than what can be the reason of such frequent divisions of States in America, and of the disposition to crumble into little separate societies, whereby there seems to be danger of multiplying the members of the Confederation without end, or of setting up petty Republics, unacknowledged by the Confederacy, and refusing obedience to its laws? In the infancy of societies men have generally been too little informed in their understandings, and too much given up to the government of their passions to associate in large communities; but experience has shewn them the ill effects of too many divisions. Spain was not long ago divided into ten or twelve kingdoms; ten of them are now united in one. France was once divided into twelve States; now all incorporated into one kingdom. Scotland was formerly divided into two kingdoms, and England into seven. These are all now in one.

One must read many volumes of history to see the miseries arising from those petty divisions of mankind, and the immense expense of blood and treasure which it cost them to learn by experience the necessity of uniting in larger bodies.

I have not information enough of the facts in any particular instance to apply these reflections to any particular case; but the frequent accounts we have in Europe of new States springing up out of fragments of old ones, and the numerous proposals of more, do us much harm abroad. They are considered as proofs of an impatience of temper, a restlessness of disposition that will give us much inconvenience, will weaken us, and endanger our Confederation.

It is the earnest wish of all who desire our prosperity, that this dangerous spirit may be checked as far as it can be consistently with reason and justice.

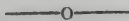
It gives me pleasure to learn that Doctor Franklin is arrived in so good health, and that he is happy in Philadelphia; and I wish very sincerely that his great age and singular reputation may give him a dominion over the minds of the people, sufficient to reconcile them

to certain amendments in the constitution of Pennsylvania, without which that respectable Commonwealth, from the very nature of man and society, must forever remain a prey to unbalanced parties.

I have not had the time to send you copies of the letters which passed between me and Mr. Fagel and Mr. Dumas upon my arrival here. If Mr. Dumas has done it, I am much obliged to him, and it will be unnecessary for me to repeat them. I wish a Minister may be sent there. But it is doubtful whether any body can be found to accept of an appointment abroad, and you will not be surprised at the reluctance.

With great regard, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, December 2, 1785.

Dear Sir,

Enclosed are copies of private letters, which have passed between Lord Caermarthen and me, relative to the appointment of Mr. Anstey.

The end of this appointment is to prevent impositions upon the commissioners in ascertaining the claims of the loyalists. Mr. Anstey will have occasion for copies of public records, to which I suppose there can be no objection in any State, and as his friendly reception will have a tendency to conciliation, I make no scruple to promise to recommend him.

I might have written a letter to this purpose to the honorable the delegates of each State, and it is not from any want of sufficient respect to them, but merely for want of time that I have not done it. I hope, therefore, that the gentlemen will excuse it, and accept of this general recommendation of Mr. Anstey to all the members of Congress in the execution of his business.

To give the loyalists facilities in procuring evidence of their losses, in order that they may be compensated by Great Britain, is to take away from them all reasonable ground of complaint, so that I hope I shall not be thought to have gone beyond my line in so readily complying with his Lordship's request.

With great respect, &c.,

JOHN ADAMS.

FROM LORD CAERMARTHEN TO JOHN ADAMS.

St. James's, November 30, 1785.

Sir,

The commissioners for the American claims having notified me that, by virtue of the power given to them by the act of Parliament now in force, they have appointed John Anstey, of Lincoln's Inn, Barrister at Law, to repair to the United States of America to inquire into such facts and circumstances as may be material for the better ascertaining the several claims, which have been, or shall be presented under the authority of the present or former act, and that they are of opinion that the countenance of the several States may tend to facilitate the execution of this employment, I am to request that you will communicate Mr. Anstey's appointment to the members of Congress, and recommend him to their protection and countenance, in the execution of the business with which he is charged.

I have the honor to be, &c.,

CAERMARTHEN.

FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, December 2, 1785.

My Lord,

I have received, with a great deal of pleasure, the letter which your Lordship did me the honor to write me on the 30th of last month.

I will take the earliest opportunity, my Lord, to communicate Mr. Anstey's appointment to the members of Congress, and to recommend him to their protection and countenance, in the execution of the business with which he is charged.

And if your Lordship or Mr. Anstey should apprehend that it might be of any service to him in his public or private capacity, I will, with pleasure, give him letters of recommendation to the Governors of the several States, or to any other characters to whom he may wish to be introduced, whenever Mr. Anstey will do me the honor to call upon me.

With great respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, December 6, 1785.

Dear Sir,

If the facts which I have had the honor to state to you in my preceding letters are credited, I think it will appear that the connexions of these kingdoms with foreign Powers, every idea of the balance of Europe, the dominions of Great Britain in Asia and America, and all considerations of posterity, are sacrificed to a momentary tranquillity and credit; from which premises it will be easy to conclude what will be the effect of the memorial, a copy of which is here enclosed, and which I shall certainly present to-morrow. It will not be answered in any manner. It is generally said "things must take their course; we must take our chance, and meet the consequences of all the combinations of our rivals," "we must risk it," &c. It is commonly said that Ministry will bring in an act of Parliament, at their next session, placing the United States upon the footing of the most favored nation, and then let them do what they please.

Thus I find myself at a full stop. I shall not neglect any opportunity to say or do whatever may have the least tendency to do any good; but it would be lessening the United States, if I were to tease Ministers with applications which would be answered only by neglect and silence.

I shall transmit you everything I can which may afford you any information; but I think Congress cannot avoid instructing me to demand an answer, and to take my leave and return to America if it is not given me in a reasonable time in the spring. It is now with the States to determine whether there is or is not union in America; if there is, they may very easily make themselves respected in Europe. If there is not, they will be very little regarded, and very soon at war with England, as I verily believe. I should advise all the great seaport towns to think a little of the means of defence, put the fortifications they have in as good order as they can, furnish themselves with arms and ammunition, and put the militia throughout the continent upon as good a footing as may be.

I have little reliance on our negotiations in Barbary. The presents we have to offer will, I fear, be despised. We shall learn by them, however, what will be necessary, and Congress will determine what

we must do. Mr. Lamb and Mr. Randall are gone. Mr. Barclay has been detained by Monsieur Beaumarchais's accounts, but I hope will go soon.

If all intercourse between Europe and America could be cut off forever, if every ship we have were burnt, and the keel of another never to be laid, we might still be the happiest people upon earth, and in fifty years the most powerful. The luxuries we import from Europe, instead of promoting our prosperity, only enfeeble our race of men and retard the increase of population. But the character of our people must be taken into consideration. They are as aquatic as the tortoise and sea-fowl, and the love of commerce, with its conveniences and pleasures, are habits in them as unalterable as their natures. It is in vain then to amuse ourselves with the thought of annihilating commerce unless as philosophical speculations. We are to consider men and things as practical statesmen, and to consider who our constituents are, and what they expect of us. Upon this principle we shall find that we must have connexions with Europe, Asia, and Africa, and, therefore, the sooner we form those connexions with a judicious system the better it will be for us and our children.

We may now take measures which may save us many miseries and a vast expense of blood; we shall find that nothing can be done in Europe, but by keeping up the dignity of the United States, and that dignity in Europe is a very different thing from that which is and ought to be dignity in America.

I have the honor to be, &c.,

JOHN ADAMS.

A Memorial from Mr. Adams respecting the Evacuation of the Posts, &c.

The subscriber, Minister Plenipotentiary from the United States of America, has the honor to represent to the Ministry of his Britannic Majesty, that by the seventh article of the preliminary treaty of peace between his Majesty and the United States of America, signed at Paris on the thirtieth day of November, one thousand seven hundred and eighty-two, confirmed by the definitive treaty of peace, signed at Paris on the third day of September, one thousand seven hundred and eighty-three, it was stipulated that his

Britannic Majesty should, with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor within the same, leaving in all fortifications the American artillery that may be therein.

That although a period of three years has elapsed since the signature of the preliminary treaty, and of more than two years since that of the definitive treaty, the posts of Oswegatchie, Oswego, Niagara, Presque Isle, Sandusky, Detroit, Michilimackinac, with others not necessary to be particularly enumerated, and a considerable territory around each of them, all within the incontestable limits of the said United States, are still held by British garrisons, to the loss and injury of the said United States.

The subscriber, therefore, in the name and behalf of the said United States, and in obedience to their express commands, has the honor to require of his Britannic Majesty's Ministry, that all his Majesty's armies and garrisons be forthwith withdrawn from the said United States, from all and every of the posts and fortresses hereinbefore enumerated, and from every other port, place, and harbor within the territory of the said United States, according to the true intention of the treaties aforesaid.

Done at Westminster, this thirtieth day of November, one thousand seven hundred and eighty-five.

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, December 9, 1785.

Dear Sir,

I went to Court yesterday morning, if not in despair, with very faint hopes of ever receiving an answer to any letter or memorial of mine to the British Ministry. I went early, but found three of the foreign Ministers before me. The rule is to admit them to his Lordship in the order in which they arrive. In my turn I was shewn into his Lordship's apartment, received very politely as usual, and very much surprised to be accosted by him with "Mr. Adams, 'I am about to write you officially. I have received a letter from 'Lord Howe, relative to your communication concerning the 'behavior of a captain of a man-of-war at Boston. The Admiralty 'letter is very long, and I shall send you a copy of it. I am also to

‘answer your memorial concerning the seamen. The ship is ordered, and expected home from the East Indies, and when she arrives, the man you applied for will be discharged.’ “And orders are gone to Portsmouth to discharge the other sailor whom you mentioned.”

This last requires some explanation, as I have not mentioned it before to you. Some time ago I received a letter from a man at Portsmouth, who called himself an American, and desiring me to apply for his discharge. But as I had no orders from Congress concerning him, nor any other information than his own letter, I thought it not safe to apply officially in his behalf. When I delivered my memorial demanding the discharge of the sailors in general, I shewed this man’s letter to his Lordship, and left it with him, and it has had, it seems, a better fortune than I expected. I replied to his Lordship that I was very happy to hear that I was soon to have an official answer, for, that whenever we could come to communicate officially and freely, I hoped we might gradually remove all difficulties. We fell then into some conversation upon the other points. But as nothing new was said on either side, and I could learn nothing new from him, it would be fatiguing you to no purpose to repeat it. One thing, however, his Lordship said, in the course of conversation: “That he could not yet give me any satisfaction upon any other points, because nothing was yet determined. Mr. Pitt had all my papers under consideration, and had not yet determined any thing.”

At length I presented to his Lordship the memorial of the 30th November, copy of which is here enclosed. I do not expect an answer till next summer. But I thought it safest for the United States to have it represented, because without it some excuses or pretences might have been set up that the evacuations had not yet been formally demanded.

With great esteem, &c.,

JOHN ADAMS.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, December 12, 1785.

Dear Sir,

I have at length an official answer from the Marquis of Caermarthen, in his letter to me of the 9th of this month, a copy of which is enclosed, together with a copy of a letter from the Lords of the

Admiralty of the 7th to his Lordship. I wish I might expect as seasonable an answer to my memorials of the 30th November, and all other letters, proposals, and memorials. Their answer concerning the sailors is more favorable than I expected, and that respecting Captain Stanhope is as much so. All the foreign Ministers here complain that they cannot get any answers from the Ministry respecting seamen, without great difficulty. The Count de Kagenneck, the Imperial Minister, told me lately that he had memorialized for a sailor three years ago, and had often solicited an answer, but could not obtain it to this day.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM LORD CAERMARTHEN TO JOHN ADAMS.

St. James's, December 9, 1785.

Sir,

I did not fail to lay before the King the letter you did me the honor to write to me relative to the conduct of Captain Stanhope, of his Majesty's ship the Mercury, at Boston, with the resolutions of the Congress of the United States therein, as well as your memorial claiming the release of such American seamen as are detained in his Majesty's service; and his Majesty having directed me to transmit these papers to the Lords of the Admiralty for their consideration and opinion as to what orders it might be proper to give thereupon, I send you, enclosed, a copy of the letter I have received from their Lordships on these subjects, which I hope will convince you that every possible attention has been paid to your representation upon these points.

I have the honor to be, &c.,

CAERMARTHEN.

FROM THE LORDS OF ADMIRALTY TO LORD CAERMARTHEN.

Admiralty Office, December 7, 1785.

My Lord,

Your Lordship having transmitted to us, in your letter of the 1st ultimo, a copy of a letter which you have received from Mr. Adams, Minister Plenipotentiary from the United States of America, together with the resolution of the United States in Congress, relative to the

conduct of Captain Stanhope, of his Majesty's ship the *Mercury*, at Boston, in the month of August last, and your Lordship having signified his Majesty's pleasure that we should take the same into our consideration, and that as Captain Stanhope, in his correspondence with Mr. Bowdoin, has made use of expressions which appear to be highly improper and unbecoming, we should acquaint your Lordship, for his Majesty's information, with our opinion thereupon, and transmit you a copy of such orders as may be judged proper to be sent to Captain Stanhope, that you may lay the same before the King, and receive his Majesty's commands as to the answer to be returned to the American Minister's letter; and your Lordship having also transmitted to us in your said letter a copy of a memorial which you have received from the American Minister, requiring the discharge of American seamen detained in his Majesty's ships, and desired to be informed of the orders we may judge proper to give thereupon, that you may acquaint Mr. Adams therewith, we beg leave to acquaint your Lordship, in return to the former part of your letter, that we have not received any account from Commodore Sawyer or Captain Stanhope, of the transaction at Boston which gave rise to Captain Stanhope's complaint to Governor Bowdoin; but whatever the circumstances of the case might be, his complaint should certainly have been expressed in more proper and becoming terms; and having once made it, he would have done well to have afterwards remained on board his ship, and not exposed himself to a repetition of the injury, or engaged in any dispute, which, by his commanding officer's instructions, he had been particularly cautioned to avoid, but have finished his business as soon as possible, and left the port, trusting that any insult he had received in his public character would be duly noticed when properly represented to his Majesty. We beg leave, at the same time, to suggest the necessity which we conceive there is for a mutual, friendly reception of the subjects of States in amity with each other, in their respective ports, provided they conform to the laws and customs of the place.

That, upon meeting with a different treatment, we apprehend the parties can only seek protection by application to the Chief Magistrate resident on the spot, as it might be impossible for them to stay long enough to obtain it in the common forms of law, to which the Governor referred Captain Stanhope for redress; and we must remark that, in this instance, it appears from the conversation which

passed on the subject, the act of violence offered to Captain Stanhope arose not from any impropriety in his private conduct, but in resentment of certain public commercial regulations foreign to the purpose of his entering the port. And though the Governor supposes these kinds of outrages to be very frequent in all sea ports, we do not know of any ship or vessel belonging to the American States having experienced similar treatment in any of the ports of these kingdoms.

We have transmitted to Commodore Sawyer, a transcript of the resolution of the United States in Congress, with directions to him to call upon Captain Stanhope for the motives of his conduct in the matters therein complained of, and shall lose no time in communicating to your Lordship our sentiments thereon, when the Commodore's report enables us to pay a due obedience to his Majesty's commands on that head.

With respect to the requisition of Mr. Adams, in his memorial mentioned in the latter part of your Lordship's letter, that orders be immediately given for the release of Richard Low, and of all such seamen, soldiers, or citizens of the United States as, having been captured during the late war, may yet be detained in his Majesty's prisons, garrisons, armies, and ships, we have to acquaint your Lordship that as it is not probable any American seamen of the description abovementioned should be detained on board any of his Majesty's ships, except those which are now on their passage from the East Indies, all others having been put into commission since the conclusion of the war, we do not think it necessary to give a general order for their release, as those ships will be paid off as soon as possible after their arrival, and their crews consequently discharged from his Majesty's service.

As to John Ledyard, (whose application to be discharged from the *Powerful*, one of the guard-ships at Plymouth, accompanied the memorial, although not particularly mentioned therein,) having found upon inquiring into the circumstances of his case that he is a subject of the United States, and that he declared himself to be a native of Boston when he voluntarily entered on board that ship, we have ordered him to be discharged, agreeable to his request; and if any other seamen, subjects of the said United States, are serving on board his Majesty's ships, they will be considered in the same light as subjects of other foreign States, and consequently be

discharged upon application to this Board, either directly or through the medium of their Minister residing at this Court, if their just pretensions thereto shall be properly ascertained.

We are, &c.,

HOWE,
CHA: BRETT,
RD: HOPKINS,
J. LEVESON GOWER.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, December 15, 1785.

Dear Sir,

There are mysterious movements of various kinds that ought to be observed and reflected on, although we cannot draw any certain conclusions from them.

General Faucett is often at the levee, not indeed on Wednesdays, not at the drawing-room on Thursdays, on which occasions the foreign Ministers attend, but on Fridays, when there are no strangers, and when only the Ministers of State, and the officers of the Army and Navy, and some of their own foreign Ministers, and other civil officers, appear. From this circumstance certain warm imaginations entertain suspicions that Faucett is to be sent to Brunswick, Hesse, Anspach, &c., to enlist another body of mercenaries. But it is more probable it is to consult upon certain points relative to the pay of the German troops for time and services that are passed.

General Arnold is gone out to America too. From this some persons have conjectured that war is determined on, or at least thought not improbable. He went to Halifax in a vessel of his own, with a cargo of his own, upon a trading voyage, as is given out. This I can scarcely believe. It would hardly be permitted a general officer to go upon such a trade. He said himself he had a young family to provide for, and could not bear an idle life. This is likely enough. I rather think, then, that he has obtained leave to go out, and purchase himself a settlement in Nova Scotia or Canada, that he may be ready against the possibility of a war, and that he may be out of the way of feeling the neglect and contempt in which he is held by not only the army, but the world in general.

Joseph Brandt has lately arrived, with Lieutenant Governor Hamilton, from Quebec; and the Indian has been presented to the King, at a Friday levee, I suppose as a colonel in the British service. This confirms and increases the reports of a general confederation of the Indian nations against the United States, which the refugees propagate, partly from the pleasure they take in the thought, and partly to persuade Government to build ships and forts upon the lakes—services in which they hope to get employment under the Crown, and the fingering of some of its money. Brandt has been heretofore in England, and is probably sent for now to be consulted, as well as Hamilton. But there are such disputes and discontents in Canada, that the Ministry know not what course to steer, and I suppose wish to have Carleton and Haldiman, Hamilton and Brandt, altogether, face to face, that they may determine what to do. They will determine all at once who shall be Governor; what form the Government shall have; whether to give up the frontier posts; whether to treat with the Indians for neutrality or alliance; whether to build ships or forts upon the lakes, &c. But as this Cabinet is extremely undecided, they cannot but be secret until they shall be forced to determine. We may learn something in the winter session of Parliament, but shall not know the whole till next summer.

The Marquis de la Fayette and Colonel Smith have returned from Germany, somewhat alarmed at the impression made in that country by the English newspapers, to our disadvantage. When I first became acquainted a little in Europe, I was constantly chagrined by this perpetual impudence of the public prints, and have all along done as much as my time and means would admit of to detect it. But I have long since found it an Augean stable.

The truth is, that these misrepresentations, instead of being discountenanced, are encouraged by every Court and Government in Europe. The secret motive is the fear of emigration. America is popular; it is a novelty. There is an abundance of provisions, a plenty of employment in agriculture, handicrafts, navigation, and commerce. The multitudes in every nation are poor, loaded with taxes, the necessities of life dear, and employment difficult to obtain, and very meanly paid. This occasions an impatience and discontent at home, and an ardent desire to emigrate to the United States.

Every Government in Europe is very sensible of this, and, therefore, all the scribblers in their pay or under their influence, which are almost all that exist, are encouraged to collect every circumstance which can throw a damp upon the spirit of emigration, and every tale of the kind, every story which represents America disunited, in confusion, anarchy, poor, distressed, miserable, is eagerly caught at, and, true or false, is industriously repeated by letters and rumors, and ignorant people are thus deceived into a belief that it is at least doubtful whether they shall be more comfortable in America than at home.

If we look into the foreign gazettes which circulate in France and are under French influence, as the *Gazette D'Avignon*, the *Gazette de deux Ponts*, the *Brussels Gazette*, and others, we find as many political inventions to this purpose as in the English newspapers. I say this from knowledge, for I have examined those publications with attention, with this very view for a long time together. Even the French *Mercury*, published under the inspection of Government and avowed by it, is but little purer than the rest, for the French are averse to emigrations, and much afraid of them.

In England there is not one newspaper but is full of such dismal, and such false representations. One paper in the city, under the influence of an Irish volunteer, has lately discovered some inclination to be more impartial; but all the writers in the rest are busily employed in abusing us; and it is so far encouraged by all parties, chiefly from the dread of emigrations, that it is unpopular to insert any thing to the contrary. It has even been refused to insert the acts of Congress or the States, the speeches of Governors, and other public proceedings, in the knowledge of which this nation is greatly interested, without paying at the rate of advertisements; and this even by a news writer who piques himself upon his impartiality, and boasts that his paper is open to all parties. Doctor Price is continually abused for his pamphlet, and sometimes expressly because it tends to encourage emigrations. In this state of things I must be cautious.

I am not able to pay the scribes like an exchequer, nor promise them pay or promotion like an opposition. And, indeed, paragraphs in our favor seem only to provoke ten inventions against us. Something might be done in time, however, by mixing in conversation and

explaining or contradicting the grossest and worst abuses. But this can be done in these countries only by the civilities of the table, and by a liberal hospitality, in which we are much straightened. House rent, furniture, carriage, and a certain number of servants, with the daily expenses of living, which cannot be avoided without becoming the scorn of the world, and without being insulted by every footman and porter, consumes all, and more than all, our allowance. I feel for the circumstances of my country as much as any man in it; but I am sure those circumstances will not be mended by extreme parsimony in the support of her servants and negotiators in Europe. Frugality in America is a great virtue, and it ought to be attended to by all employed in Europe; but we shall find that hospitality, and even splendor and magnificence, are essential to the support of our reputation in every country of Europe, even in Holland, and much more so in England than even at Versailles, though we cannot make a formal distinction between these two.

When your Ministers are seen to take rank of nobles and bishops at St. James's, who spend many thousands a year, and are observed to live at home and appear abroad with what is called "*la plus infame economie*," which is the expression every day in vogue, you will find that neither you nor they will be considered as of any consequence. To talk of republican simplicity is to make it worse. Every republican idea is detested, and they think themselves bound in duty to ridicule it, and beat it out of countenance in self-defence.

Your Ministers abroad must keep a table for the entertainment of their countrymen, for the entertainment of strangers who are presented at Court, and consequently to them, to return the civilities that are shown them by foreign Ministers and by people of high rank in the country. They ought to keep a table at times for the entertainment of men of letters and eminence in arts and sciences, by which they might remove the prejudices of the world against their country and themselves, and attract some attention and good will to both. How far any of these things are in our power to do, I cheerfully submit to the consideration and decision of Congress, being determined to do everything in my power with the means I have, and to be happy myself whether I make a little figure or a great one.

With great esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, Westminster, December, 1785.

Dear Sir,

I am anxious to convey to you, if I can, in as strong a light as that in which I see it myself, the impossibility of our doing anything satisfactory with this nation, especially under this Ministry, that the States may neither neglect nor delay any measure which they would judge necessary or expedient, upon the certainty that England will not alter her conduct. In order to do this, I must be allowed to write freely things which Congress ought to know, but to keep *secret*. I know how much I expose myself, but as I have hitherto made it my rule, as much as I could, to conceal nothing which I thought necessary to be known, whatever might be the consequence to myself, I shall not now begin a new system, and shall only request that a reasonable caution may be observed, not to injure a man merely for discharging a disagreeable part of his duty.

The King, I really think, is the most accomplished courtier in his dominions; with all the affability of Charles the Second, he has all the domestic virtues and regularity of conduct of Charles the First. He is the greatest talker in the world, and has a tenacious memory, stored with resources of small talk concerning all the little things of life which are inexhaustible. But so much of his time is, and has been, consumed in this, that he is in all the great affairs of society and government as weak, as far as I can judge, as we ever understood him to be in America. He is also as obstinate. The unbounded popularity acquired by his temperance and facetiousness, added to the splendor of his dignity, gives him such a continual feast of flattery, that he thinks all he does is right; and he pursues his own ideas with a firmness which would become the best system of action. He has a pleasure in his own will and way, without which he would be miserable, which seems to be the true principle upon which he has always chosen and rejected Ministers. He has an habitual contempt of patriots and patriotism—at least for what are called in this country by those names—and takes a delight in mortifying all who have any reputation for such qualities, and in supporting those who have a counter character. Upon this principle only can I account for the number of Tories which were forced into the admin-

istration of the Earl of Shelburne, the Duke of Portland, and Mr. Pitt, and for the immoderate attachment to American refugees which has appeared in all of them.

Mr. Pitt is very young; yet he has discovered abilities and firmness upon some occasions; but I have never seen in him any evidence of greater talents than I have seen in members of Congress, and in other scenes of life in America, at his age. I have not yet seen any decided proofs of principle, or patriotism, or virtue; on the contrary, there are many symptoms of the want of these qualities, without which no statesman ever yet appeared uniformly great, or wrought out any memorable salvation for any country. In American affairs he has vibrated credit as a pendulum, and no one can yet guess when he will have fixed. His attention appears to have been chiefly given to two objects—preserving tranquillity and raising the stocks. His attention to these would have been laudable if he had not neglected others equally essential in the end, though not so urgent for the present period. The discontents of the nation, arising from their late disappointments, disgraces, and humiliations, as well as the pressure of taxes, would have broken out into seditions if the Ministers had not studiously avoided every thing which could raise a clamor or operate forcibly upon popular passions; and if the stocks could not have been supported, all would have been distraction at once. With all his care he has barely escaped from more furious tumults, at the expense of a few stones thrown at his carriage, and a few executions in effigy. The stocks he has raised, and if he can keep them up they will support him, and intoxicate the nation to such a degree that I presume it will be impossible for him to pursue that system towards America and Ireland, which is indispensable for the complete preservation of the remainder of the empire.

No Briton would deserve the character of a statesman, without a comprehensive view of the interests of the nation, relative to their liberties and form of government, relative to their manufactures, commerce, and navigation, relative to their foreign dominions in Asia, Africa, America, and in Europe, relatively to all the other Powers of Europe, especially their ancient enemy, who has always endangered their existence—I mean the Crown of Bourbon, and their ancient friends who have assisted in supporting them, and rearing up their wealth and power—I mean the Dutch and the United States of America, and all these relatively to the interest of

posterity and future ages. But I have not seen the least appearances of any man in the three kingdoms, among the men in power, who answers this description. Landsdowne is the most like it, but he is suspected, his selfishness is acknowledged, and his influence far from great. The posts upon our frontier give me great uneasiness.

The Ministers and people, the Chancellor, Mr. Dundas, Mr. Jenkinson, and Lord Gower, being of the old set of King's friends, it may be easily supposed that they think and feel like him, and consequently, that they are masters of his character; that they embarrass Mr. Pitt whenever his principles interfere with the King's. To their counsel, probably, is owing the late accession to the league in Germany, which the Chancellor of the Exchequer is thought to have opposed. To the same cause we may ascribe the undecided conduct towards Holland, where Sir James Harris is as complete a cypher as the Baron de Lynden and I have the honor to be at St. James's.

The King has been amused by his old deceivers, who are very much alike in America, Holland, and Ireland, by assurances that the Prince of Orange and his party would get the upperhand, and that the populace would rise to De Witt and the patriots. Under this fond delusion the time has been dreamed away, and those offers were delayed until they were too late to have any effect, which, if they had been in season, would have preserved the friendship, or at least the neutrality, of the Dutch to this country.

Lord Camden and the Duke of Richmond, if they ever had any just notions of the relation between England and America, are become soured by the company they keep, and if they are not inimical, they are at least peevish and fretful on every subject that concerns us. Lord Caermarthen is rich and of high rank, very civil and obliging, but is not enough of a man of business to have influence in the Cabinet, or to project or conduct any thing. Lord Sidney, with less wealth and a lower rank, has all the parts of the same character. If these traits of characters are just, you will easily be convinced, that we cannot expect from the present Ministry any reasonable arrangement with America for some time.

If we look to opposition, we see no better prospects. Lord North is supposed to have great influence, but how? By being at the head of the landed interest, which is but another term for the Tory interest. If he should depart from their system he would lose all consideration.

Mr. Fox has never been steady in American politics, and he has not at present the spirit to take any decided part; the Marquis of Lansdowne would be more liberal, but he has no chance to come in, and if he had he would not be able to carry any plan into execution; so numerous and violent, from all quarters, would be the opposition to him.

The Marquis of Buckingham has some good opinions of American commerce; but although he is celebrated for minute details of information in American affairs, by all I can learn of him, he has lost his judgment and the true system in the chaos of this very minutiae; and he is extremely odious to great multitudes of the people.

Add to all these unfavorable considerations, that the stocks are at a great height, and the nation consequently in high spirits, as they have now evidence, they think, that their commerce flourishes, and their credit is established without a treaty with the United States, and without opening the West Indies, or Canada, Nova Scotia, and Newfoundland, to us, without taking off the alien duty upon oil, or admitting our ready-built ships for sale, they will not now think it necessary to do any of these things. The general opinion is that an act of Parliament will be made at the ensuing Parliament, placing the United States upon the footing of the most favored nation, and then let things take their course; let the United States do as they please, lay on duties or prohibitions, or make navigation acts, as they judge proper.

France is not idle amidst all this; the language they hold is that of perpetual and universal peace; their Ambassadors in all the Courts of Europe speak in this style. The corps diplomatic here have it familiarly in their mouths, that the Courts of London and Versailles have now the best disposition towards each other, and that there is every prospect of a long peace between them; and there is such a fund of gullibility in this nation, that these lullabies soothe them into perfect security. Indeed, it is possible the peace may be maintained for some years—long enough for the English to get a little money to go to war again. But if, at the end of fifteen or twenty years, the navies of France and Holland shall be pitted against that of Great Britain, and especially if the United States shall join their privateers and aids to the confederacy, the crisis of the British Empire will then be complete, and its destruction certain.

Some men see, but posterity and futurity, though not very distant, appear to be less attended to in this country at present, than in any other in the world. Present advantage is all they aim at, present evil is all they hope to shun; are so assured of peace with all their neighbors in Europe, that they hold all we can do in indifference. They think that if we should raise an army and take these posts, as we have a right to do, it would not oblige them to go to war with us; but if we should march an army to Quebec and take it, and another to Nova Scotia and take that, it would be no great harm to them; if we should fit out privateers against their trade, they could easily send a line of frigates along our coast that would do us more harm, so that they are quite easy; but they rely upon it that we shall not raise an army to take the posts. The expense and difficulty they know will be great, and, therefore, they think they may play with us as long as they please. The refugees are doing all they can to persuade the King and Ministry to build a fleet of armed ships upon the lakes, and to negotiate with all the Indian nations in order to attach them to their side. If these people can prevail, our posts will not be evacuated until this new system is accomplished. The resolutions of some of the United States, staying proceedings at law for old debts, and some other resolutions concerning the Tories, represented to have been in some instances counter to the treaty, will be the pretence. In short, sir, I am likely to be as insignificant here as you can imagine. I shall be treated as I have been, with all the civility that is shown to other foreign Ministers, but shall do nothing; I shall not even be answered; at least this is my opinion; but Congress will no doubt insist upon an answer. Perhaps it may be most convenient to wait till the session of Parliament is over, that we may have a full knowledge of their designs. It is most certain that what is called high language, which you and I have heard so much of in the course of our lives, would be misplaced here at this time. I would not be answered with high language, but with what would be more disagreeable and perplexing, with a contemptuous silence.

To borrow an expression from the late Governor Bernard, I find myself at the end of my tether. No step that I can take, no language I can hold, will do any good, or, indeed, much harm. It is Congress and the Legislatures of the States who must deliberate and act at present.

The only system they can pursue to help themselves is to complete their regulations for the encouragement of their own manufactures and navigation; to consider of more intimate commercial connexions with France and other nations of Europe; to push their trade to the East Indies, and, perhaps, to extend their political relations with France and Holland. How far it will be wise to go in these projects, I pretend not to judge; but I hope they will proceed with caution and deliberation. The United States stand on high ground at present, and they will consider whether it would not even be descending to form any closer political connexions at present. They are certainly at present on "advantageous ground," if they can unite in a system; if not, they must trust to the chapter of accidents.

I am, dear sir, &c.,

JOHN ADAMS.

Report of Secretary Jay on Mr. Adams's letter of December, 1785, in cypher.

Office for Foreign Affairs, May 8, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter from the honorable Mr. Adams of December last, in cypher, reports,

That the contents of this letter may be classed under three heads:

1. The characters of the British King and his Ministers; which, for the reasons assigned by Mr. Adams, should be kept secret.

2. The restrictive and unfriendly system of trade with respect to America, which the British Government and the nation in general appear to prefer and will probably adopt. Of this system the United States have much to be apprehensive; and their inability to meet it by general and proper regulations will doubtless encourage and promote it.

Congress at present can do nothing on the subject except in the way of recommendation; which, being a very ineffectual way, had better not be tried, lest non-compliance should diminish their respectability and impair the little authority they possess. In the opinion of your Secretary, recommendations should be avoided as much as possible, and every constitutional requisition impartially enforced with uniform punctuality and decision.

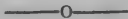
The probability that the posts will be detained, on pretence of the treaty of peace having been violated by American acts relative to British debts and the Tories.

On this point your Secretary can only repeat what has been suggested in other reports, viz: that what wrong may have been done should be undone, and that the United States should, if it were only to preserve peace, be prepared for war.

Mr. Adams's advice in this and many of his other letters is just; but until Congress shall be put by further powers in capacity to act upon it, there would be little use in particular reports on subjects which to them are at present rather matters of speculation than provision.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 4, 1786.

Dear Sir,

I have only time to acquaint you that, since my last, there have been some appearances of an intention in Ministry to take up American affairs. Lord Caermarthen and Mr. Pitt have certainly had conferences with committees of merchants, who have represented to them the necessity of arrangements with the United States upon terms which will give satisfaction.

Nevertheless, I have no confidence in this at all, and I think that Congress and the States should not relax in any measure in consequence of it.

Mr. Pitt did say to Mr. Campbell, the principal man among them, that Mr. Adams, the American Minister, was well disposed to a friendly settlement, and had made some propositions to the King's Ministers, who were also well disposed. He was very inquisitive whether they had seen Mr. Adams. They answered they had not, and that they were not known to him in the business. This was true in a literal sense; but in fact they had taken pains to give me circuitous information that they had been consulted by Lord Caermarthen, and to desire of me such information as I could give

them; and I had, by means of Colonel Smith, conveyed to the sight of a person in their confidence some papers containing such matter as I thought might be trusted to them in such a mysterious way. The representation they have made is very strong, as they say, but I cannot yet obtain a copy of it. They pretend to say that Mr. Pitt assured them their report had given him new lights, and they think America may have whatever she desires, except a free trade with the West India Islands. This will prove only a delusion; for if the Ministry really are desirous of an equitable settlement, I am well persuaded they cannot yet carry it in Parliament; so that I hope the States will persevere in their own measures, and that even all the southern States will at least lay heavy duties upon the tonnage of such nations as have not treaties with us, and prohibit the importation in their bottoms of any merchandizes, except the produce of the country to which they belong. Even the importation of Irish linens in British bottoms should be forbidden as well as Silesia linens, hemp, and duck from Russia, and iron from Sweden, wines from Portugal, goods from the East Indies, &c.

With great regard, &c.,

JOHN ADAMS.

Report of John Jay on Mr. Adams's Memorial relative to the evacuation of the Northern Posts.

Office for Foreign Affairs, March 30, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred Mr. Adams's letters of the 2d, 6th, 9th, 12th, and 15th December, 1785, and 4th January, 1786, with the papers enclosed with them, and also a motion founded on Mr. Adams's memorial, demanding the evacuation of the frontier posts, &c., reports:

That, in his opinion, the instructions proposed by the motion in question would be proper and expedient, because,

1st. A categorical answer in the negative would involve the United States either in a war or in disgrace. They are not prepared for the former, and should, if possible, avoid the latter.

2d. It would not be expedient to press that answer while the intentions of the Court of France on the subject remain doubtful.

Your Secretary, therefore, thinks that Mr. Adams should be immediately instructed in the words of the said motion, viz: "To

‘protract his negotiations with the Court of Great Britain respecting the posts which should have been before this surrendered to the United States, and other infractions of the said treaty by that Power, so as to avoid demanding a categorical answer respecting the same until the further orders of Congress.’

All which is submitted to the wisdom of Congress.

JOHN JAY.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 21, 1786.

Dear Sir,

On Wednesday the Chevalier del Pinto informed me that he had written to Lisbon for explanations from his Court upon certain points; that he expected an answer in a few days, and that as soon as he should receive it, he would call upon me, and proceed in the negotiation; that, in the mean time, he would not disguise from me the solicitude of his Court to send a Minister to Congress. Etiquette forbids that the Court of Portugal should send an Ambassador, Minister Plenipotentiary, or Envoy to America, until the United States would agree to send one of equal rank to Lisbon. But if Congress had any reasons for not sending Ministers of so high an order, they might send a resident or Chargé d’Affaires. I answered him that I had heard it was the intention of Congress to send a Consul, but that I could say no further.

Lord Caermarthen on Thursday told me he was at work upon an answer to my memorial concerning the posts, and should complete it as soon as he could collect some further information concerning the debts, of the obstructions to the payment of which the Ministry had received complaints from persons in this country who were interested in them. You may conclude from this, as well as I, what kind of answer it will be. I am very glad that I am to have an answer. Whatever it may be, it will lead to further éclaircissement and a final accommodation. Yet I think the answer will not come before the spring. It will take eighteen months more to settle all matters, exclusive of the treaty of commerce.

Mr. Eden has said within a few days that he believed there would be a treaty of commerce with the United States of America within

a year or two. He may wish to be employed in it; for however sanguine he may be of his success at Versailles, I shall lose my guess if he ever accomplishes a commercial treaty with that Court. He may, however. This nation would now crouch to France for the sake of being insolent to us. The disposition to crush the weak is almost always attended with that of cringing to the strong. Arrogance to inferiors is ever servile to superiors. But a treaty with France, such as she would accept, would be hurtful to such numbers, and raise such an opposition that I cannot yet believe Mr. Eden will be permitted to sign one. The term of two years is expired, and Del Campo has done nothing. Crawford is returned without doing any thing as I suppose.

The true secret of the appointment of Mr. Eden, as I conceive, is the Court of Versailles was offended that Crawford was not allowed to do any thing, and used some sharp expression which intimidated the Ministry. Eden was appointed for two ends, first, to appease the wrath at Versailles, and secondly, to keep up a mysterious delusive hope in the English nation. Perhaps, too, the Ministry are afraid of commercial speculations between France and Ireland. These conjectures are precarious, and no great stress should be laid on them.

With great respect &c.,

JOHN ADAMS.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 26, 1786.

Dear Sir,

Give me leave to introduce to you John Anstey, Esquire, barrister at law and a member of Parliament, who goes out by authority to verify the claims of the Loyalists, as they call themselves. I believe it to be the design of Mr. Pitt to pay their demands which shall be found to be supported, and withdraw their pensions, and then leave them to seek their fortunes. In such a case, if our States repeal their laws against them, they will generally return to their old homes, or to some other part of the United States, where they must become good citizens or be completely insignificant.

By Mr. Anstey I send you the King's speech and the debates upon it. The most remarkable thing in them is that the King and every member of each house have entirely forgotten that there is any such place upon earth as the United States of America. We appear to be considered as of no consequence at all in the scale of the

world. The next thing observable is, that Administration and Opposition are agreed in turning their thoughts to a confederation with Russia and Denmark, in which they wish to get the Emperor to join, as a balance to the confederation between the House of Bourbon and Holland, to which they suppose Sweden attached.

They are agreed also in the fact that there is a surplus of revenue in the Treasury, and, therefore, that the resources of the country are inexhaustible. You may, perhaps, smile at this inference, but they are very grave.

I do not know whether we ought not to wish that they may succeed in their project of connexions with Prussia and Denmark and the Emperor, too; because, when one part of Europe shall become thus formally pitted against the other, probably both sides may begin to recollect that there is such a Power as the United States of America, and that she has some influence. Congress may in such case, take more time to deliberate whether it is necessary for them to engage at all, and if it should appear inevitable, they may make better terms.

In the mean time, it is much to be wished, that a friendly settlement could be made with Spain, and that a Minister might be sent to Holland, whose inhabitants are the most cordial friends we have in Europe.

I have had an opportunity this week of conversing with the Marquis of Lansdown and Lord Abingdon, his friend and admirer. They appear to me to be as far from having adopted any decisive system relative to us as Mr. Pitt or Mr. Fox. This conversation has removed every expectation that there will be any party, or even any individual, in Parliament in favor of a liberal commerce with us.

The United States, therefore, have no choice left. They must support their own navigation or have none.

With great and sincere esteem, &c.,

JOHN ADAMS.

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FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, May 4, 1786.

Dear Sir,

Since the 22d of February, which was the date of my last letter to you, I have been honored with yours of the 4th, 5th, and 11th November, and 2d, 6th, 9th, 12th, and 15th, and one of December

last, and also of 4th, 21st, and 26th January, 1786. All of them have been laid before Congress, from whom I have no instructions to say anything more on the subjects of them than what you will find in my letters to you of the 1st instant. This is to be imputed to there not being so many States convened in Congress as are necessary to decide on matters of that kind, for since last autumn, when the new election took place, they have not had nine States on the floor for more than three or four days, until this week. There are nine at present, and more are expected, so that I hope more attention will now be paid to our foreign affairs than has been the case for many months past.

Your and Mr. Jefferson's joint letter, dated 2d and 11th October last, with the Prussian treaty, has been received, and I have reported a ratification of it, which, when agreed to, shall, without delay, be transmitted. The printed papers herewith transmitted, will give you some idea of our affairs; the proposed impost gains friends, and the Legislature of this State has passed an act in its favor, rather in compliance with the popular opinion than that of a majority in the House. It differs, however, from some material parts in the recommendation of Congress, and it is not certain that in its present state it will be accepted. As this letter will go by the packet, I avoid minute details. I hope by the next private ship to write more circumstantially, especially as it is probable that Congress will by that time have concluded on several matters respecting foreign affairs, which have long been, and now are, under their consideration.

Mr. Anstey is here, and I think has reason to be satisfied with the attention shewn him. The English papers do us injustice, and are calculated to create a much greater degree of asperity in this country than really exists in it.

Mr. Hancock is still at Boston, and it is not certain when he may be expected. This is not a pleasant circumstance, for though the chair is well filled by a chairman, yet the President of Congress should be absent as little and seldom as possible.

With great and sincere regard, &c.,

JOHN JAY.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 9, 1786.

Sir,

Colonel Humphreys informs me that he expects to return to America in the spring, if he should not receive orders from Congress

to remain longer in Europe. I would be doing injustice to the public as well as to this gentleman if I were to let him return home without the best testimony I can give him of my entire satisfaction in his conduct from his first arrival, and without the fullest recommendation of him to Congress.

This gentleman and another whom Congress have employed in Europe from General Washington's family, have accomplishments which do honor to their appointments and to the great model under whom they were formed to the service of their country.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 14, 1786.

Dear Sir,

I have received your letter, enclosing two pamphlets, one of which I have sent to Mr. Jefferson by Colonel Humphreys, who sets out for Paris this morning.

These letters will be sufficient to shew any man of common decency the characters of the writers. On one side there is the condescension of a provident but indulgent father; on the other, the impertinence and ingratitude of a prodigal son, not yet reduced to the mortification of eating husks with the swine.

What with the imprudence of some of our young men, who, like Littlepage, are natives of America, and what with the assurance of some others, who assume the American character with less pretensions to it, our country suffers very much in its reputation.

The scene to which I was witness is truly and candidly described, and I have so certified to Mr. Jefferson and to others.

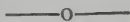
It is indeed a mortifying consideration that neither purity of character, rank in society, nor any degree of merit or reputation should be a protection against such rude and virulent attacks, which, however despised or resented by virtuous and judicious men, are commonly received and applauded without thinking, by the profligate, and with malignity by the designing. Even such extravagants as Littlepage, as you and I have known before, are sometimes cherished and courted for the deliberate, though secret purpose of doing business which cannot be done by fairer means.

In this case I rely upon it that no injury will be done to you ; the attempt is too gross.

My best respects, in which my family desires to join, to Mrs. Jay.

With great esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 16, 1786.

Sir,

The expenses of insurance on American vessels, the obstructions of their commerce with Spain, Portugal, and Italy, and compassion for our fellow-citizens in captivity, all occasioned by apprehensions of the Barbary corsairs, must excite solicitude in every man capable of thinking or feeling. It is, nevertheless, certain that too great an alarm has been spread, since no more than two vessels have been taken by the Algerines, and one by Morocco. Artificial alarms might be diminished by discontinuing the practice of insuring in England. Lloyd's Coffee House has made a great and clear profit because no vessel has yet been taken which has been there insured. If the American merchants would open offices at home, the premium would be saved to the country, and they would find a large balance in their favor. The balance of trade with the English is so much against us that we ought not unnecessarily to make ourselves tributary to them.

Mr. Lamb drew upon me bills for £2,000 at Madrid, the 24th of January, and assures me in his letter of advice that I shall hear from him soon at Barcelona. This gentleman's motions are slow ; what can have detained him so long I know not ; an entire stranger to him, having never seen him, nor heard of him, until he was announced in your letter. I can say nothing of his character or conduct.

Mr. Jefferson understood him to be recommended by Congress ; and he was certainly the bearer of their orders, and I could not but concur in the sentiment of my excellent colleague, and in his construction of the intentions of Congress. Since the appointment was made, and became irrevocable, I heard such opinions and reports of him as have astonished me. He has with him, in Mr. Randall,

an ingenious, worthy man, who may supply any deficiencies, as we hope, and we must now wait with patience until they inform us of their proceedings.

Mr. Barclay and Mr. Franks are at length departed from Paris. Their delay was occasioned by Mr. Beaumarchais. It will be some time before these gentlemen can arrive at Morocco, that the Emperor may be out of patience and send out his frigates.

If the agents were arrived, there would be little reason for confidence in their success. The sum of eighty thousand dollars, it is much to be feared, will not be sufficient to procure treaties of peace. We may find the whole sum consumed, and the difficulty of making peace augmented. Congress will take all these things into consideration, and transmit their orders both respecting the sums to be given as presents, and the funds from whence they are to be drawn. Without a fresh loan in Holland, the treasury of the United States, in Europe, will soon be exhausted.

The American commerce can be protected from these Africans only by negotiation or by war. If presents should be exacted from us as ample as those which are given by England, the expense may amount to sixty thousand pounds sterling a year—an enormous sum, to be sure, but infinitely less than the expense of fighting. Two frigates, of thirty guns each, would cost as much to fit them for the sea, besides the accumulating charges of stores, provisions, pay, and clothing.

The Powers of Europe generally send a squadron of men of war, with their Ministers, and offer battle at the same time that they propose treaties and promise presents. Mr. Barclay and Mr. Lamb are armed only with innocence and the olive branch; and there is some reason to expect that the Emperor and Dey will feel their dignity hurt by the *appearance* of deputies not immediately appointed by Congress. Time will clear up all doubts, and subsequent arrangements may be taken accordingly.

An envoy from Tripoli is here at present. I saw him at Court, but have not made him a visit. He wishes to see me, as is supposed from what he said yesterday to a gentleman. He said that “most of the foreign Ministers had left their cards, but the American had not. We are at war with his nation, it is true, and that may be the reason of his not calling. We will make peace with them, however, for a tribute of an hundred thousand dollars a year—not

‘less.” He speaks no European language, except a little of the *Lingua Franca*, and perhaps a little Italian. To go with an interpreter would occasion speculation, and suggest to him schemes which he might not otherwise think of. To treat with him before any measures are taken with Morocco and Algiers, might offend them.

With great respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 17, 1786.

Sir,

At a late levee, the King, in conversation with one of the foreign Ministers, was pleased to say “that the Tripoline Ambassador ‘refused to confer with his Ministers, and insisted on an audience; ‘but that nothing had been said at it more than that Tripoli and ‘England were at peace, and desirous to continue so. His Majesty ‘added, all he wants is a present, and his expenses borne to Vienna ‘and Denmark.”

If nothing more was said at the audience, there are not wanting persons in England who will find means to stimulate this African to stir up his countrymen against American vessels. It may reasonably be suspected that his present visit is chiefly with a view to the United States to draw them into a treaty of peace, which implies tribute, or at least presents, or to obtain aids from England to carry on a war against us. Feeling his appearance here to be ominous, like that of other irregular bodies, which “from their horrid hair shake pestilence and war,” I thought at first to avoid him, but finding that all the other foreign Ministers had made their visits, and that he would take amiss a longer inattention, it was judged necessary to call at his door for the form; but when the attempt was made, which was last evening, so late that there was no suspicion of his being visible, the Ambassador was announced at home, and ready to receive the visitant. It would scarcely be reconcileable to the dignity of Congress to read a detail of the ceremonies which attended the conference. It would be more proper to write them to harlequin for the amusement of the gay at the New York theatre.

It is sufficient to say that his Excellency made many inquiries concerning America, the climate, soil, heat, and cold, &c., and observed, “it is a very great country, but *Tripoli is at war with it.*” In return, it was asked, how there could be war between two

nations, when there had been no hostility, injury, insult, or provocation on either side? His Excellency replied that Turkey, Tripoli, Tunis, Algiers, and Morocco were the sovereigns of the Mediterranean, and that no nation could navigate that sea without a treaty of peace with them; that America must make such treaties with Tripoli first, then with Constantinople, then with Algiers and Morocco, as France, England, and all other Powers of Europe had done. A secretary brought him some papers, one of which was put into my hand. It was a French translation of a full power from the Pacha, Dey, and Regency of Tripoli to treat with all the Powers of Europe, and to manage all the foreign concerns of his country without limitation of time or place. The original commission, in his own language, was also produced and shewn. It was observed that America was not named in it; but it was replied that the Power was universal to manage every thing, and that a treaty might be made at once, or at least that conferences might be held, and the result written to Tripoli and America for further instructions. What time was required to write to Congress, and receive an answer? Three months at least. That was too long, but he should remain here some time. You may call here to-morrow or next day with an interpreter, and we will hear and propose terms.

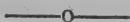
As his Excellency expected to gain by the negotiation as much as the American knows he must lose, you will perceive the former was the most eager to promote it. When Mr. Jefferson's answer to a letter upon this subject shall arrive, it will be proper to learn his terms; but there is reason to believe they will be too high for your Ministers to accept without further instructions.

This is the substance of a conference which was carried on with much difficulty, but with civility enough on both sides, in a strange mixture of Italian, *Lingua Franca*, broken French, and worse English.

This Minister appears to be a man of good sense and temper.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 20, 1786.

Sir,

Yesterday the Tripoline Ambassador sent a message by a Doctor Benamor, an English Jew most probably, who has formerly resided

in Barbary, and speaks the Arabic language as well as the Italian and Lingua Franca, to inform me that he wished to return his visit in the same friendly and respectful manner, and that, as he had much at heart a treaty between the Barbary and American States, he wished it might be soon. It was agreed that he should be received at noon.

At twelve his Excellency came in ceremony, accompanied with his Secretary, and Benamor for an interpreter, "whom he had chosen in preference to the interpreter assigned him by the Court, because he was sorry to see that this nation was not so steady in its friendship to America as the French. The French Consul at Tripoli congratulated him upon his appointment, and hoped he would meet in England with a Minister with whom he might make a treaty of peace with America, but he was sorry to say he found here much ill will to the Americans, and a desire to prevent him from seeing the American Minister. For this reason he would have nothing to do with the Court interpreter. It was the delight of his soul and the whole pleasure of his life to do good, and he was zealous to embrace an opportunity which now presented itself, of doing a great deal. The time was critical, and the sooner peace was made the better; for, from what passed before he left home, he was convinced if the treaty should be delayed another year, it would, after that, be difficult to make it. If any considerable number of vessels and prisoners should be taken, it would be hard to persuade the Turks, especially the Algerines, to desist. A war between Christian and Christian was mild, and prisoners on either side were treated with humanity; but a war between Turk and Christian was horrible, and prisoners were sold into slavery; although he was himself a Mussulman, he must still say he thought it a very rigid law, but as he could not alter it, he was desirous of preventing its operation, or at least of softening it, as far as his influence extended. The Algerines were the most difficult to treat with. They were eager for prizes, and had now more and larger ships than usual. If an application should be made first to Algiers, they would refuse; but when once a treaty was made by Tripoli, or any one of the Barbary States, they would follow the example. There was such an intimate connexion between all, that when one made peace, the rest followed. Algiers had refused to treat with Spain, in defiance of all her armaments, until Tripoli interposed, and then they relaxed at once.

‘He called God to witness, that is to say, he swore by his beard, which is a sacred oath with them, that his motive to this earnestness for peace, although it might be of some benefit to himself, was the desire of doing good.’

When he was informed that Congress had received some friendly letters from the Emperor of Morocco, and that an agent was gone to treat with his Majesty, “he rejoiced to hear it, and doubted not that the agent would succeed, as the Emperor was a man of extensive views, and much disposed to promote the commerce of his subjects.” As it was now apparent that his principal business here was to treat with the United States, and that no harm could be done by dealing frankly with him, the commission of Congress to treat with Tripoli was shown him, as well as those to Morocco, Algiers, and Tunis. He “was rejoiced to see them; and although he could not answer for Algiers, he would undertake for Tunis and Tripoli; and he would write in favor of any person who might be sent or go with him in person to assist in the completion of peace with all the States of Barbary, which was more than he had ever before said to any Ambassador or Minister in Europe.” It was then proposed that his Excellency should mention the terms which he might think proper to propose, but he “desired to be excused at present, and that to-morrow evening, at his house, he might have an opportunity of explaining himself more particularly.” This was agreed to.

It was then observed that although America was an extensive country, the inhabitants were few in comparison with France, Spain, and England; nor would their wealth bear any proportion to that of these nations or of Holland; that we were just emerged from the calamities of war, and had as yet few ships at sea, especially in the Mediterranean, so that the Barbary corsairs could not expect to make any considerable number of prizes. “God forbid,” was his reply, “that I should consider America upon a footing, at present, in point of wealth with these nations. I know very well that she has but lately concluded a war which must have laid waste their territories, and I would rather wish to leave to her own generosity the compliments to be made upon the occasion, than stipulate anything precisely.”

This man is either a consummate politician in art and address, or he is a benevolent and wise man. Time will discover whether he disguises an interested character, or is indeed the philosopher he

pretends to be. If he is the latter, Providence seems to have opened to us an opportunity of conducting this thorny business to a happy conclusion.

Colonel Smith will go to Paris to communicate the whole to Mr. Jefferson, and entreat him to come over to London in order to finish as much as possible of it, immediately, and to agree with the Portuguese Minister at the same time. Mr. Jefferson has long projected a visit to England, and this will be a good opportunity. No notice will be taken of it publicly in America, and his real errand will be concealed from the public here.

If the sum limited by Congress should be insufficient, we shall be embarrassed; and, indeed, a larger sum could not be commanded, unless a new loan should be opened in Holland. I doubt not a million of guilders might be obtained there upon the same terms with the last two millions. This would enable Congress to pay their interest in Europe, and to pay the French officers, who are uneasy.

With great respect, &c.,

JOHN ADAMS.

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FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 22, 1786.

Sir,

On Monday evening another conference was held with the Tripoline Ambassador, attended with his interpreter, Benamor, who is a decent man, and very ready in the English as well as Arabic and Italian. The foreign Ministers here say it is the custom of all the Ambassadors from Barbary to be much connected with Jews, to whom they are commonly recommended. It may be supposed the Jews have interested motives, and, therefore, although their interference cannot be avoided, they ought to be objects of jealousy. Benamor soon betrayed proofs enough that he had no aversion to the Ambassador's obtaining large terms.

The Ambassador, who is known to many of the foreign Ministers here, is universally well spoken of.

When he began to explain himself concerning his demands, he said, they would be different, according to the duration of the treaty. If that were perpetual, they would be greater; if for a

term of years, less. His advice was that it should be perpetual. Once signed by the Bashaw, Dey, and other officers, it would be indissoluble and binding forever upon all their successors; but if a temporary treaty were made, it might be difficult and expensive to revive it; for a perpetual treaty, such as they had now with Spain, a sum of thirty thousand guineas must be paid upon the delivery of the articles signed by the Dey and other officers. If it were agreed to, he would send his secretary by land to Marseilles, and from thence by water to Tripoli, who should bring it back by the same route, signed by the Dey, &c. He had proposed so small a sum in consideration of the circumstances, but declared it was not half of what had been lately paid them by Spain. If we chose to treat upon a different plan, he would make a treaty perpetual, upon the payment of twelve thousand five hundred guineas for the first year, and three thousand guineas annually, until the thirty thousand guineas were paid. It was observed that these were large sums, and vastly beyond expectation; but his Excellency answered that they never made a treaty for less. Upon the arrival of the prize, the Dey and other officers were entitled by law to large shares, by which they might make greater profits than these sums amounted to, and they never would give up this advantage for less.

He was told that although there was a full power to treat, the American Ministers were limited to a much smaller sum, so that it would be impossible to do anything until we could write to Congress and know their pleasure. Colonel Smith was present at this, as he had been at the last conference, and agreed to go to Paris to communicate all to Mr. Jefferson, and persuade him to come here that we may join in further conferences, and transmit the result to Congress. The Ambassador believed that Tunis and Morocco would treat upon the same terms, but would not answer for Algiers. They would demand more. When Mr. Jefferson arrives we shall insist upon knowing the ultimatum, and transmit it to Congress.

Congress will perceive that one hundred and twenty thousand guineas will be indispensable to conclude with the four Powers at this rate, besides a present to the Ambassadors, and other incidental charges. Besides this a present of five hundred guineas is made upon the arrival of a Consul in each State. No man wishes more fervently that the expense could be less, but the fact cannot be altered, and the truth ought not to be concealed.

It may be reasonably concluded that this great affair cannot be finished for much less than two hundred thousand pounds sterling. There is no place in Europe or America where Congress can obtain such a sum but in Holland; perhaps a loan for two millions of guilders might be filled in Amsterdam upon the terms of the last. If it is not done, this war will cost us more millions of sterling money in a short time; besides the miserable depression of the reputation of the United States, the cruel embarrassment of all our commerce, and the intolerable burthen of insurance, added to the cries of our countrymen in captivity.

The probable success of Mr. Barclay and Mr. Lamb need not be pointed out.

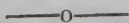
If a perpetual peace were made with these States, the character of the United States would instantly rise all over the world, our commerce, navigation, and fisheries would extend into the Mediterranean, to Spain and Portugal, France and England. The additional profits would richly repay the interest, and our credit would be adequate to all our wants.

Colonel Smith is gone to Paris. He departed yesterday. By the sixth article of the Confederation, "no State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any King, Prince, or State."

All the States are so deeply interested in this case, that surely no separate State can have occasion to move for the consent of Congress upon this occasion; but if, unexpectedly, Congress should not agree to treat, there are several States in the Union so deeply interested in navigation, that it would richly compensate each of them to go to the whole extent of two hundred thousand pounds to obtain peace; nevertheless, a single State might obtain peace and security for its ships at a much cheaper rate.

With great and sincere esteem, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 26, 1786.

Sir,

The Envoy from Portugal has received from his Court an answer to his despatches, relative to the treaty with the United States, and the enclosed extract from it, which has been delayed some time by

the sickness of the Chevalier de Freire, the Portuguese Secretary of Legation, that Minister did me the honor to deliver to me two days ago, with his request that it might be transmitted to Congress. At the same time he delivered me the enclosed state of the trade between the United States and Portugal the last year.

When Mr. Jefferson arrives we shall endeavor to finish this business.

The proposition of sending and receiving a Minister has been many times made before. Congress will, no doubt, answer this which is now made, formally and officially. The regard which is due from one sovereign to another, and, indeed, common decency, seems to require it. To refuse it would be thought surprising; indeed, according to all the rules of politeness between nations and sovereigns, it ought to be left at the option of her most faithful Majesty to send what grade of public Minister she shall judge proper, and assurances should be given of the most amicable disposition of Congress to receive him with all the respect due to his sovereign, and to send a Minister to her Majesty of equal character.

The United States are at this moment suffering severely for want of an equitable adjustment of their affairs with the Powers of Europe and Africa, which can never be accomplished but by conforming to the usages established in the world.

If the United States would come to the resolution to prohibit all foreign vessels from coming to their ports, and confine all exports and imports to their own ships and seamen, they would do, for any thing that I know, the wisest thing which human prudence could dictate; but then the consequence would be obvious: they must give up the most of their commerce, and live by their agriculture. In this case they might recall their Ministers, and send no more.

On the other hand, if the United States would adopt the principle of the French economists, and allow the ships and merchants of all nations equal privileges with their own citizens, they need not give themselves any further trouble about treaties or Ambassadors. The consequence, nevertheless, would be the sudden annihilation of all their manufactures and navigation. We should have the most luxurious set of farmers that ever existed, and should not be able to defend our sea-coast against the insults of a pirate.

As these are the two extremes that we know Americans will never consent to, we must vindicate our own manufactures and navigation by legislation at home and negotiation abroad; and, therefore,

the prejudices against exchanges of public Ministers will be found some of the most pernicious that ever have arisen among American citizens. Laws at home must be made in conformity to the state of affairs abroad, which can never be known to Congress but by Ambassadors.

With great respect, &c.,

JOHN ADAMS.

Extract of a Letter from M. de Melho e Castro, Minister and Secretary of State of her most faithful Majesty, to the Chevalier del Pinto, Minister of her said Majesty at the Court of London.

Lisbon, January 4, 1786.

Sir,

You may candidly reply to the observations of Mr. Adams, that, as to the permission of selling American vessels in the ports of this kingdom, there does not exist the least difficulty ; that privilege being common, at present, for all nations, under certain regulations and established principles.

But as to the article of flour, it appears very singular here that it should be insisted on as a capital point, and considered as an essential obstacle to the accomplishment of a treaty of commerce between the two States. One would imagine that the subjects of the United States ought to be fully satisfied with the advantages which they already derive from the sale of their grain in Portugal, and would not envy the poor people of this Kingdom the small benefit arising from the manufacture.

This regulation, therefore, is so just in its principles and impartial in its effects, that none of the European nations accustomed to a like trade have said anything against it, and that even Russia, whose transportation and navigation are much more difficult, has not thought proper to make any objection ; besides, custom, which regulates everything, demonstrates that the difficulties mentioned are specious, since the greatest part of the American vessels which have entered at Lisbon in the course of the last year were laden with grain from North America ; and you will be able to judge yourself, by the representation herewith enclosed, what great advantages this growing commerce promises, and the consequences that will result therefrom to Portugal and the United States.

After what I have just said to you, sir, it remains only for me to make two observations as simple as sincere :

1st. That the prohibition in question has been an universal and economical law, the intent of which cannot give offence to any nation in particular.

2d. That Portugal had not yet any commercial connexions with the United States of North America when such a law was promulgated, or those which prohibit the introduction of rice and foreign indigo in these dominions.

It is, therefore, with very great surprise that the Court of Lisbon has just been informed of the proceedings of the State of Pennsylvania with respect to the wines and fruits of Portugal, by way of making amends, in a manner altogether pointed and directly against this Kingdom, as well as the unmerited difference that the State of South Carolina has made between wines of this Kingdom and those of other countries in laying thereon other and more heavy duties. Such a proceeding with respect to a Power who treats the subjects and merchandizes of the United States without the least distinction of nation, is astonishing, and not conformable with the views of her Majesty to establish with them a system of friendship and commerce as mutual as reciprocal. It is for this reason, sir, that the Queen has charged me to enjoin you to communicate this matter to Mr. Adams, and expressly to solicit that Minister to transmit the same to his sovereign. Her Majesty wishing to give to the United States of America the most unequivocal proofs of her regard and her sincere desire to facilitate every proper means to cement the friendship between the two nations, expects from the justice of these States a revocation of such statutes, and allows them all convenient time for that purpose. But if, contrary to every hope, they persist in supporting them, it cannot be thought ill if her said Majesty takes proper arrangements against such unprovoked, violent, and partial measures.

With respect to a reciprocal nomination of Ministers, her Majesty is disposed upon this article to be governed by the intentions of Congress, either to choose simple agents or persons more characterized, her said Majesty will attend to it as soon as she shall be assured that the Congress is disposed to receive them, and to send on their part to Lisbon some other person in the same character.

[Delivered to Mr. Adams by the Portuguese Envoy, 24th February, 1786.]

Account of Vessels, American and Foreign, coming from the ports of North America, which entered at Lisbon in 1785.

American Vessels from the ports of the United States.	American Vessels which arrived from Foreign ports.
Virginia.....14	From Spain.....1
Boston.....6	Fayal.....1
Maryland.....6	Great Britain and its dependencies.....3
New York.....8	Madeira.....1
Philadelphia.....5	France.....1
The two Carolinas.....6	Ireland.....2
Rhode Island.....2	Ostend.....1
Salem and Alexandria.....2	Petersburgh.....1
<u>49</u>	<u>11</u>

Foreign Vessels which arrived from same ports.

English.....10
Portuguese.....9
Spanish.....2
Swedish.....3
Imperial.....1
Dutch.....2
Russia.....1—23
<u>77</u>

N. B. The above 77 vessels brought wheat, Indian corn, peas, r, rosin, turpentine, cod-fish, ship-timber, staves, and gentian.

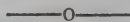
Second account of Vessels which sailed from the port of Lisbon for North America in the year 1785.

American Vessels for the ports of the United States.	American Vessels which sailed from Lisbon for the European ports.
Virginia.....6	For Spain.....1
Boston.....13	Fayal.....1
Maryland.....5	England.....1
New York.....5	St. Ubes.....13
Philadelphia.....7	<u>16</u>
Carolina.....2	From the other part.....40
Rhode Island.....2	<u>56</u>
<u>40</u>	

Foreign Vessels for the same ports.

Portuguese	2
English	11
Danish.....	1
Swedish.....	3
Oldenburg.....	1—18
	58

The above 58 vessels carried with them fruit, salt, wine, and tea.



FROM JOHN ADAMS TO JOHN JAY.

London, June 27, 1786.

Sir,

The Chevalier del Pinto, the Envoy of Portugal, informed me this day, that he had received instructions from his Court to inform me “that the Queen, his mistress, has sent a squadron to cruize in the mouth of the straits, with orders to protect all vessels belonging to the United States of America equally with those of her own subjects; and that she would continue those orders as long as they should be agreeable to Congress.

The reply was, that it could not be doubted that so signal a mark of her Majesty’s friendly attention to the interest and safety of the citizens of America would be very agreeable to Congress, and that the first opportunity should be embraced to make the communication to them.

So much notice will probably be taken of this by Congress as to return the compliment; the least is thanks.

If the United States should ever think themselves able to pay taxes and begin a navy, this war of the Algerines would be a good opportunity. I have never dared, however, to recommend it, because that as negotiation, and customary presents, and redemption of captives, must finally terminate the war, whatever sums are spent in it, whatever time is spent, or lives lost in it, it has ever appeared to me that all this would be thrown away.

It would employ our shipwrights, and make various branches of business brisk, to order half a score of frigates of thirty-six guns to be built, and it would give us an eclat; but it would cost money.

With great regard, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 27, 1786.

Sir,

At the last conferences, (as they call here what is understood in Paris by Ambassadors' days,) the Marquis of Caermarthen was pleased to make an apology for not having yet answered the memorial requiring the evacuation of the posts: "It would sound 'oddly to say that he had delayed his answer to prevent delays, but 'it was true. He had drawn up his answer, but as he was obliged 'to say something concerning the old debts, he had been obliged to 'wait for a little further information, that he might state in one view 'all the acts of the Assemblies which had interposed impediments." As this is some kind of respect to the memorial, it ought to be communicated to Congress, as, no doubt, it was intended and expected that it should be.

The public prints will inform you that the Newfoundland bill and the American intercourse bill are revived. It would be sufficient to convince every American what the system is, to say that Mr. Jenkinson was the member of Administration and the House of Commons selected to conduct this business. Comparing his well-known character with what he said, you will believe that the same men and the same principles which have governed this nation in their conduct towards America these twenty years, prevail to this hour, as far as the circumstances will admit; and that Mr. Pitt is either a convert to their sentiments, or is only an ostensible Minister.

It remains with the States to determine what measures they will take to discourage a commerce the most impoverishing and ruinous that can be imagined, to promote a more beneficial intercourse with the rest of Europe, and to support their own manufactures and navigation; for on such measures alone can they have any dependence in future.

With sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, February 6, 1786.

My Lord,

I have the honor of transmitting to your Lordship a copy of a letter of the 21st of December last, from his Majesty's Consul Gene-

ral in the United States to their Secretary of State for the Department of Foreign Affairs, which has been laid before Congress, who have been pleased to direct me to communicate it to his Majesty with this information, that the complaint stated in it being in general terms, and unsupported by any particular facts or evidence, they do not think it necessary or proper to take any measures in consequence of it; and with this assurance, that, as it is their determination the treaty of peace shall be punctually observed by their citizens, and that his Majesty's subjects shall enjoy in the United States all the rights which friendly and civilized nations claim from each other, so they will always be ready to hear every complaint which may appear to be well founded, and to redress such of them as on an investigation shall prove to be so. Let me request your Lordship to lay this communication before his Majesty.

Your Lordship will permit me to avail myself of this opportunity of remarking, that the office of Consul General does not extend to matters of this kind, neither the rights of commerce nor of navigation being in question; and, therefore, that it was delicacy towards his Majesty, rather than a sense of the propriety of such an application from a Consul General, which induced Congress to treat it with this mark of attention.

As the United States, my Lord, have a Minister Plenipotentiary residing at this Court, in consequence of a proposition to that purpose made by his Britannic Majesty's Minister, through his Grace the Duke of Dorset, his Ambassador at Paris, your Lordship will permit me to propose to the consideration of your Majesty's Ministers the expediency, as well as propriety, of sending a Minister Plenipotentiary from his Majesty to the United States of America. I am authorized, my Lord, to give assurances that Congress expect such a Minister, and are ready to receive and treat him in a manner consistent with the respect due to his sovereign.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, March 4, 1786.

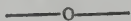
Sir,

I have the honor to enclose to you copies of the Secretary of State's answer, dated the 28th of February, to the memorial dated

the 30th of November, and presented to him on the 8th of December last, and of a state of grievances of British merchants and others. I shall make no reply to his Lordship until I receive the orders of Congress.

With great respect, &c.,

JOHN ADAMS.



FROM LORD CAERMARTHEN TO JOHN ADAMS.

St. James's, February 28, 1786.

Sir,

In answer to the memorial you did me the honor to deliver to me on the 8th December, I have to observe to you, sir, that it is his Majesty's fixed determination upon the present as well as every other occasion to act in perfect conformity to the strictest principles of justice and good faith.

The seventh article, both of the provisional and of the definitive treaties between his Majesty and the United States, clearly stipulates the withdrawing, with all convenient speed, his Majesty's armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same; and no doubt can possibly arise respecting either the letter or spirit of such an engagement.

The fourth article of the same treaties as clearly stipulates that creditors, on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bona fide* debts heretofore contracted.

The little attention paid to the fulfilling this engagement on the part of the subjects of the United States in general, and the direct breach of it in many particular instances, have already reduced many of the King's subjects to the utmost degree of difficulty and distress; nor have their applications for redress, to those whose situations in America naturally pointed them out as the guardians of public faith, been as yet successful in obtaining them that justice to which, on every principle of law as well as of humanity, they were clearly and indisputably entitled.

The engagements entered into by treaty ought to be mutual, and equally binding on the respective contracting parties. It would, therefore, be the height of folly as well as injustice to suppose one party alone obliged to a strict observance of the public faith, while

the other might remain free to deviate from its own engagements as often as convenience might render such deviation necessary, though at the expense of its own national credit and importance.

I flatter myself, however, sir, that justice will speedily be done to British creditors; and I can assure you, sir, that whenever America shall manifest a real determination to fulfil her part of the treaty Great Britain will not hesitate to prove her sincerity to coöperate in whatever points depend upon her for carrying every article of it into real and complete effect.

The enclosed paper contains a state of the grievances complained of by merchants and other British subjects having estates, property, and debts due to them in the several States of America.

I am, sir, &c.,

CAERMARTHEN.

State of the Grievances complained of by Merchants and other British Subjects having estates, property, and debts due to them in the several States of America.

MASSACHUSETTS BAY.

By an act of this State, passed the 9th of November, 1784, the justices of the courts of judicature were directed, severally, to suspend rendering judgment for any interest that might have accrued between the 19th of April, 1775, and the 20th of January, 1783, on debts due to British subjects.

This act is peculiarly severe on British subjects, against whom it is expressly pointed. The demand of interest is called inequitable and unjust, and the Legislature of this State conceive it to be repugnant to the spirit and intention of the fourth article of the treaty of peace, which they say provides only for *bona fide* debts. The act states that the Legislature have taken measures to obtain the sense of Congress upon this article; but the committee have not heard that any opinion has been given thereon.

NEW YORK.

By an act passed in this State the 12th of July, 1782, British creditors are precluded from the claim of interest on all debts contracted before the 1st of January, 1776, until after the 1st of

January, 1783; and executions for the principal of those debts are forbidden to be levied until the expiration of three years after the evacuation of New York. By another act passed the 17th of March, 1783, and confirmed by others in 1784 and 1785, those Americans who had abandoned their possessions in New York upon its capture by the British troops, and resided without the lines during the war, are enabled to bring actions of trespass for rents, &c., during their absence against the persons who had occupied their premises, whether under the authority or permission of the British commander or otherwise; and who by this act are precluded from pleading any military order whatsoever in justification of their occupancy. It also authorizes the sequestration of the estates of British subjects lying in that country for their conduct during the war.

By virtue of this law actions for claims to an enormous amount were immediately instituted against British subjects, who, relying implicitly on the treaty of peace and the faith of nations, were encouraged to remain in New York upon its evacuation for the purposes of collecting their debts, and settling or extending their commercial affairs; and in cases where those who had occupied the premises were not to be found, the demands were made on the lodger, the late servant, or the agent of those occupiers. These suits have been prosecuted with the utmost severity, and being determinable by juries of interested men, as well as conformable to the abovementioned statute, it is no wonder that verdicts for exorbitant rents and damages have in every instance been found against the defendants.

PENNSYLVANIA.

This State has violated the 4th article of the definitive treaty by passing a law, soon after the peace, to restrain the recovery of the old debts for a given period. The British merchants were, in consequence thereof, set at defiance, and few instances exist of payment having been made for any debts contracted before the war. This law was limited to September, 1784; but whether it has been further extended by any new act, or whether it expired at that time, the committee are not certain. This law, operating with the fears and prejudices of some of the inhabitants, has produced effects of the most mischievous consequence to the British merchants; for not only a uniform opposition has been made against the payment of interest, but the lawyers, dreading the resentment of some of the

most violent among their countrymen, have refused to engage in the recovery of these unpopular demands; and the committee are well assured that not one action for the payment of an old British debt has been prosecuted in this State.

VIRGINIA, MARYLAND, AND NORTH CAROLINA.

The merchants interested in the trade to these States having already, by their chairman, presented their case and memorial to the right honorable the Marquis of Caermarthen respecting their situation as to the debts due to them previous to the late war, and the hardships they experience from the infraction of the 4th article of the definitive treaty, the committee beg leave to refer to the annexed extract.*

SOUTH CAROLINA.

After Congress had ratified the definitive treaty of peace, they had recommended a due observance thereof to the different States, and the Assembly of South Carolina resolved to carry the said treaty into execution sincerely, strictly, and completely; but, regardless of those resolutions, and in contravention to the treaty, the Legislature passed an ordinance the 26th of March, 1784, declaring, among other things, that no suit should be instituted for any debt contracted by any citizen of the United States previous to the 26th of February, 1782, until the 1st of January, 1785, when the interest *only* which had accrued since January, 1780, might be recovered.

And, on the 1st of January, 1786, one fourth part of the principal, and all such other interest as might be then due.

On the 1st of January, 1787, one other fourth part of the principal and the interest which shall have accrued.

On the 1st of January, 1788, one other fourth part of the principal, and the interest accrued thereon; and on the 1st January, 1789, the balance which may be then due.

By this ordinance debtors are judicially protected from suits brought at the instance of their creditors, who are chiefly British merchants; and so great and general are the obstructions to the recovery of debts, that, in several districts remote from Charleston, the courts have been prevented by tumultuous and riotous proceedings from

* See extract of Memorial, page 587.

determining actions for debt. By the delay thus occasioned, the property of the British merchant becomes every day more precarious. His credit and fortune are materially injured, and, in many cases, totally destroyed.

To prevent the operation of the act beforementioned, in cases where it empowers creditors to sue for one-fourth part of the principal of a debt on the 1st of January, 1786, an act was passed by this Legislature the 12th October, 1785, entitled "An act for regulating sales under execution, and for other purposes therein mentioned," whereby a debtor, during any period of a suit that has been or may be commenced, is allowed to tender land in payment of his debt; such land to be appraised by three citizens of the county or parish where it lies, who are authorized to value it as if sold at a credit of six months. The creditor is then obliged to take the land at three-fourths of the value at which it is so appraised.

By the same law it is further enacted that no creditor shall bring any suit for debt until he make application, in writing, from himself to his debtor, for payment. This act seems calculated to cut off all possibility of non-resident British creditors commencing a suit. The proviso that he must write himself to his debtor is considered as an insurmountable obstacle in his proceedings, as he must meet with innumerable difficulties in proving the delivery of his letter to a debtor, who may reside in the interior part of the State. Where this difficulty does not exist, the creditor must either drop his action or run the risk of having property of little or no value, bordering, perhaps, on the Indian country, forced upon him, which, if sold for cash, would not produce one-tenth part of its appraised value. Another instance of the violation of the fourth article of the treaty, (which provides that "creditors on either side shall meet with no lawful impediment 'to the recovery of the full value, in sterling money, of all *bona fide* debts heretofore contracted,") arises from the payment of debts to British subjects in depreciated paper currency, which was forced into circulation during the war, and made a legal tender, according to its nominal value, by the then Government. The depreciation became so great that debtors, by such unjust tenders, did not pay one shilling in the pound; and where they plead these payments or tenders in bar to the demands of their British creditors, such creditors are proportionally defrauded of their property.

The fifth article of the treaty stipulates that persons of certain descriptions shall have free liberty to go to any part of the United

States, to obtain the restitution of their rights and properties. This article has been grossly violated in this State; for though such persons were permitted to go thither, yet the purposes for which they went were frustrated by a suspension of the course of justice; for they were compelled to depart by a public notification from the Governor, and to abandon their property, under the aggravating reflection of having been at considerable expense, both of time and money, in a delusive pursuit; and having also experienced great personal insult and abuse during their continuance in the State.

Several British merchants, who had sold goods in Charleston, while in possession of his Majesty's troops, were obliged to accept houses and lands in payment of debts. After its evacuation, an act of confiscation was enforced, which, though not passed till 26th of February, 1782, had retrospect to the 4th of July, 1776. Houses and lands, then the property of persons in purview of the act, but which had undergone many changes, and actually belonged to British merchants when the act was passed, were sold by the commissioners of confiscated estates in June, 1784, without any regard to their claims founded upon the fifth and sixth articles of the treaty of peace. The property was sold at a credit of five years; and State indents were to be received in payment. In case the State of Carolina should comply with the 5th article of the treaty, it has been suggested that the claimants will be paid in State indents, which are already depreciated fifty per cent., and it is apprehended may, at the end of five years, be so reduced in value that creditors of this description will not receive one shilling in the pound of their demands.

It is also necessary to observe, that the decisions of the board of police, established under the King's government, in Charleston, however equitable, have been set aside *since the peace*. British subjects have been deprived of their property purchased under its process, and cast in excessive damages and costs, for no other cause than having brought actions therein for the recovery of debts, even where the defendant had confessed judgment, and when both plaintiff and defendant were British subjects.

GEORGIA.

Laws and regulations similar to those which have passed in South Carolina exist in this State, with degrees of peculiar and manifest aggravation; the judges from the bench having declared that no suit

shall be proceeded on, if brought by a British subject; while, on the contrary, they allow British subjects to be sued by their creditors.

According to the present regulations in both countries—

An American is protected in his property by our laws. All our courts are, and always have been, open to him, for the recovery of any debt, as well interest as principal.

A British merchant is, in some States positively, in others virtually, prohibited by their Legislatures from recovering his property; which is a violation of the fourth article of the treaty of peace. In several States judgment for interest for more than seven years is actually suspended by law; whilst in others, although the courts appear to be open, the lawyers are afraid to prosecute for British debts.

Those creditors are deemed fortunate, who upon giving up all claim to interest, (which is equal to thirty, and in some instances to forty per cent.,) can obtain security for the payment of the principal.

Extract of the Case and Memorial of the Merchants of London, Bristol, Liverpool, Whitehaven, and Glasgow, trading to Virginia, Maryland, and North Carolina previous to the year 1776, addressed to the right honorable the Marquis of Caermarthen, his Majesty's principal Secretary of State for the Foreign Department.

That, in the year 1777, the British agents and factors, as well as many of the merchants, were compelled to quit the late American Colonies, leaving behind them, in real estate, debts, and other property, equal in value to more than three millions sterling, belonging to the merchants of London, Bristol, Liverpool, and Glasgow. That, in the course of the war, much of the property of the British merchants was confiscated and sold; and debts, owing to persons

who had no share in the contest, were paid into the public treasuries of Virginia and Maryland by legislative authority.

That, in the provisional articles of peace between Great Britain and the United States of America, having been agreed upon the 30th November, 1782, and finally adjusted on the 3d of March, 1783, it was settled and agreed, by the fourth article of the said treaty, "That creditors, on either side, should meet with no lawful 'impediment in the recovery of the full value, in sterling money, of 'all *bona fide* debts heretofore contracted ;" and the fifth article having stipulated that the Congress should earnestly recommend to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties, which had been confiscated belonging to British subjects ; and the sixth article having provided that there should be no future confiscation, many of the British merchants, anxiously solicitous to recover the property so long withheld from them, and upon which the support of their families, in many instances, depended, sent out agents and factors, particularly to Virginia and Maryland, not doubting but they should experience every facility in the collection of the wreck of their fortunes. But, upon the 2d of July, 1783, an edict was published by the Governor of Virginia, ordering all the British agents and factors who had arrived in that State forthwith to depart the same. That, in this situation, these agents and factors were not only compelled to retire on board of British ships then trading to the country, but had the mortification to find that the real estates of many of the British merchants had been confiscated and sold, and the produce of the same applied to the public services of Government ; that, in the month of October, 1783, the legislative body of Virginia removed the restrictions ; in November following the British merchants and agents were permitted to return, and they have remained unmolested since that period ; but no permission whatsoever has been given either to merchants acting for themselves, or to agents or factors acting for employers in Great Britain, to recover any part of the debts or property left in the country in the year 1775. That, in the month of October, 1784, the legislative body of Virginia met, and, in the course of the session, a bill was brought in, the preamble of which runs thus : "Whereas, by the 4th article of the definitive treaty of peace 'between the United States of America and Great Britain, ratified 'by the King of Britain on the 12th day of May last, it was stipu-

‘lated, among other things, by the said contracting parties, that ‘creditors on either side shall meet with no lawful impediment to the ‘recovery of the full value, in sterling money, of all *bona fide* debts ‘heretofore contracted; and *good faith requires that the said treaty ‘shall be carried into execution, according to the true intent and ‘meaning thereof.*’ The bill then proceeds to several enacting clauses, the substance of which is as follows:

1st. That the restraints disabling British subjects from prosecuting for the recovery of debts shall be removed by the repeal of an ordinance made since the 19th April, 1775.

2d. That all British debts due before the date of the provisional articles shall be discharged by seven equal payments, the first of which shall become due the 1st of April, 1786.

3d. That the other payments shall fall due on the same day in the six years then next following, respectively.

4th. That no interest shall be allowed to British subjects for any intermediate time between the 19th day of April, 1775, and the 3d day of March, 1783, the said time to be considered as one day in law.

5th. That no settlement made by bonds or other specialties, with interest included, at any time since that period, shall preclude a citizen of America from the benefit of this act, so far as respects interest and payment by instalments to British creditors.

6th. That no execution shall issue against any debtor for more than the proportion of the instalment due for the time being; but such execution may issue annually for the proportion then due until the whole shall be discharged.

7th. That the citizens of Virginia, who have been resident there on the 19th of April, 1775, and have remained ever since, although the partners of British merchants shall not, so far as they are concerned, be subject to the restrictions of this act, but shall enjoy the privileges of other citizens.

This bill passed the Assembly and Senate of Virginia; but, from the want of some forms, it was delayed, if not lost.

Whether the same system of explaining and fulfilling the 4th article of the definitive treaty will be followed by other States in America, or whether the Commonwealth of Virginia will finally enact this law, remains to be determined; but the peculiar hardships to which British merchants are subjected cannot fail to be strikingly conspicuous, when it is considered—

1st. That it is now ten years since their property has been withheld from them.

2d. That they are to be deprived of eight years interest, equal to forty per cent.

3d. That the system of making payments by instalments to run out to such lengths of time, must subject them to great loss from the natural causes of deaths, bankruptcy, and removals, which must be expected to happen in the course of eight years.

4th. That, during this period, no security can be demanded, neither can a debtor be restrained by law from wasting or removing property.

5th. That, with all these disadvantages, that of removing the last payment to the year 1792, and, of consequence, obliging the British merchants to keep factors and agents, at a great expense, in the country, to collect these debts, cannot fail to prove a great additional burden to your memorialists.

6th. That no provision is proposed to be made for the real property confiscated and sold for public services, nor for money paid into the treasuries of Virginia and Maryland.

That these and other hardships are distressing in the extreme to the British merchants; and when it is considered that, in addition to all this, some of them have had the mortification to have their property confiscated and sold since the ratification of the treaty of peace, they conceive the grounds of their distress to be so peculiarly striking as to claim the assistance and interposition of the British Government in procuring a compliance with the treaty of peace into entered with the American States.

List of Money paid into the Treasury in Maryland on account of British Debt.

	Currency exchange 66 $\frac{2}{3}$.	New emission, C.
1781. February	£2,000 0 0	£50 0 0
March	79,517 13 11 $\frac{1}{4}$	1,988 9 1 $\frac{1}{2}$
April	2,840 0 0	71 0 0
May	13,386 8 6	335 13 6
June	46,830 6 11	1,170 15 7
	£144,574 9 4 $\frac{1}{4}$	£3,615 18 2 $\frac{1}{2}$

N B. The above sum of £144,574 currency is equal to £86,744 sterling.

List of Money paid into the Treasury of Virginia on account of the Public Debt.

	Paper currency.	Depreciation.	Value in specie.
Paid from the 2d March, 1778, to the last day of October, both days inclusive.....	£27,022 17 9	5	£5,404 11 6 ³ / ₄
Do. last of October to the last of December, 1778.....	14,684 13 0	6	2,447 9 8
December, do. March, 1779.....	7,086 11 2	10	708 13 1 ¹ / ₄
March, do. April.....	23,435 3 0	16	1,464 13 11 ³ / ₄
April, do. June.....	28,911 5 3	20	1,445 11 3 ¹ / ₂
July.....	6,533 4 0	21	311 2 1 ¹ / ₄
August.....	3,228 16 0	22	146 15 3 ³ / ₄
September.....	5,063 0 0	24	210 19 2
October.....	1,475 15 6	28	52 14 1 ¹ / ₂
November.....	4,315 4 0	36	119 17 4
December.....	12,488 14 9	40	312 4 4 ¹ / ₂
January, 1780.....	1,496 18 5	42	35 12 9 ³ / ₄
February.....	11,972 0 8	45	266 0 10 ³ / ₄
March.....	6,317 9 1	50	126 6 11 ³ / ₄
April and May.....	119,522 15 7	60	1,992 0 11 ³ / ₄
	£273,554 13 7		£15,044 13 8

N. B. The above sum of £273,554 currency, is equal to £12,035 sterling.

This and the five preceding sheets contain true copies of the state and lists enclosed in the Marquis of Caermarthen's letter to me, dated 28th February, 1786, in answer to the memorial of the 30th of November, delivered to his Lordship the 8th of December, 1785.

Compared by

JOHN ADAMS.

—O—

Report of Secretary Jay on Mr. Adams's Letter of 4th March, 1786.

Office for Foreign Affairs, October 13, 1786.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 4th March last, from the Honorable John Adams, Esquire, together with the papers that accompanied it, reports:

That as the subject of these papers and of this report appears to your Secretary in a very important point of light, he thinks they should be so incorporated as that the record of the latter in this office may always exhibit an entire and complete view of the whole business. He therefore reports :

That, on the 8th day of December, 1785, Mr. Adams, agreeably to his instructions of the 7th day of March, 1785, presented to his Britannic Majesty's Secretary of State a memorial dated the 30th day of the preceding month, in the following words :

[*See Memorial*, p. 542.]

On considering the before-recited papers, these important questions present themselves :

1. Whether any individual State has a right, by acts of their own internal Legislature, to explain and decide the sense and meaning in which any particular article of a national treaty shall be received and understood within the limits of that State ?

2. Whether any, and which, of the acts enumerated in the list of grievances, do violate the treaty of peace between the United States and Great Britain ?

3. In case they, or any of them, should be found to violate it, what measures should be adopted in relation to Great Britain ? And,

4. What measures should be adopted in relation to the State or States which passed the exceptionable acts ?

Of these in their order ; and

1. Of the right of an individual State to enact in what sense a national treaty shall be understood within its particular limits.

Your Secretary considers the thirteen independent sovereign States as having, by express delegation of power, formed and vested in Congress a perfect, though limited sovereignty, for the general and national purposes specified in the Confederation.

In this sovereignty they cannot severally participate, except by their delegates, or have concurrent jurisdiction ; for the 9th article of the Confederation most expressly conveys to Congress the sole and *exclusive* right and power of determining on *war* and *peace*, and of entering into treaties and alliances, &c., &c.

When, therefore, a treaty is constitutionally made, ratified, and published by Congress, it immediately becomes binding on the whole nation, and superadded to the laws of the land without the interven-

on, consent, or fiat of State Legislatures. It derives its obligation from its being a compact between the sovereign of this and the sovereign of another nation; but laws or statutes derive their force from being acts of a Legislature competent to the passing of them.

Hence it is clear that treaties must be implicitly received and observed by every member of the nation; for, as State Legislatures are not competent to the making of such compacts or treaties, so neither are they competent in that capacity authoritatively to decide on or to ascertain the construction and sense of them.

When doubts arise respecting the construction of State laws, it is common and proper for the State Legislatures, by explanatory or declaratory acts, to remove those doubts; but when doubts arise respecting the construction of a treaty, they are so far from being cognizable by a State Legislature, that Congress itself has no authority to settle and determine them.

For, as the Legislature only, which constitutionally passes a law, has power to revise and amend it, so the sovereigns only who are parties to the treaty have power, by posterior articles and mutual consent, to correct or explain it.

All doubts in cases between private individuals respecting the meaning of a treaty, like all doubts respecting the meaning of a law, are, in the first instance, mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise; and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties.

If this reasoning and these principles be right, as your Secretary thinks they are, it follows, of consequence, that no individual State has a right, by legislative acts, to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty. A contrary doctrine would not only militate against the common and received principles and ideas relative to this subject, but would prove as ridiculous in practice as it appears irrational in theory; for in that case the same article of the same treaty may, by law, mean one thing in New Hampshire, another in New York, and neither the one nor the other in Georgia.

It would be foreign to the object of this report to inquire how far such legislative acts are valid and obligatory, even within the limits of the State passing them. Much might be said on that head;

certain, however, it is, that they cannot bind either of the contracting sovereigns, and consequently cannot bind their respective nations.

2. Whether any, and which, of the acts mentioned in the list of grievances, do violate the treaty with Great Britain?

It is to be observed that the violations complained of are confined to three articles of the treaty, viz: the 4th, 5th, and 6th.

Your Secretary will, therefore, proceed to arrange and consider these acts in that order.

The 4th article of the treaty is in these words: "It is agreed that 'the creditors on either side shall meet with no lawful impediment to 'the recovery of the full value, in sterling money, of all *bona fide* 'debts heretofore contracted.'"

This article, in the opinion of your Secretary, establishes this point, viz: That *bona fide* debts, heretofore contracted, remained unextinguished by the war.

The propriety of making this remark will appear from adverting to the distinction there is between cases where the rights of creditors survived the war, and cases where creditors, having been divested of their rights in the course of the war, are restored to them by the treaty of peace. In the former case, his right remains precisely as it was; but, in the latter case, it may sometimes be questionable whether the treaty restores that right wholly or only in part; and such questions are only to be decided by recurring to the article of restoration. This distinction is introduced for the purpose of casting light on the question, whether interest is or is not payable on, or comprised in, the *bona fide* debts mentioned in the article before us? For, if the article considers these debts or contracts as being in their original state of extent and obligation, there can be little doubt but that when a stipulation to pay interest makes a part of the contract, every attempt to invalidate that particular part must be in opposition to the treaty. But, on the other hand, if the article is to be considered as restoring creditors to rights they had lost in the war, then, inasmuch as it provides only for the recovery of the *bona fide* debts, without making mention of the interest accrued on them, it may be a question with some whether the right to recover the interest is so attached to the right of recovering the principal as that a restoration of the latter necessarily implies and restores the former; for nothing being said in the article to exclude interest, the only question is, whether the revival of the principal debt does or does not operate

is a revival of the interest? But this is only a secondary question, and to be asked only in case it should appear that both principal and interest were lost in the war, and restored by the treaty, under the denomination of *bona fide* debts, which words some construe as including both principal and interest, and others think can intend only the principal. Those who consider this article as being restoratory must insist, and ought to show, that the debts said to be restored were actually lost to the creditors in the course of the war. If that was the case, they must have been so lost, either by extinction, remission, or confiscation, and that either tacitly and silently by the laws of war, or expressly by national acts.

Your Secretary is not informed of any laws of war, among civilized nations, whereby all debts before subsisting between the people of belligerent nations are immediately and silently either extinguished, remitted, or confiscated; and it would, he conceives, be useless to adduce the obvious reasons which induce him to think that there neither are, nor ought to be, any such laws. If this be so, it follows that the 4th article cannot be considered as *restoratory*, on the principle that the debts in question were lost by the silent operation of such laws.

The next inquiry, then, is, whether belligerent Powers have a right, by express acts, to extinguish, remit, or confiscate such debts? Your Secretary thinks that the laws of nations, strictly and rigidly considered, will authorize it; but that, since mankind have become more enlightened, and their manners more softened and humanized, it has not been common, as well for those reasons as for others suggested by the interest of commerce and mutual intercourse, to practice such severities.

But, admitting that the United States had a right to extinguish, remit, or confiscate debts due from their citizens to British subjects, it still remains to be inquired whether, and in what manner, and by what acts they exercised that right.

For if they did not exercise this right at all, then it will follow that these debts were neither extinguished, remitted, nor confiscated; that the article cannot be considered as *restoratory*, nothing being more clear than that restoration always implies previous deprivation.

Here a very important question presents itself, viz: whether the State Legislatures can derive a right from the existence of war between their sovereign and a foreign one to extinguish, remit, or

confiscate, by their acts, debts due from their citizens to the subjects of that foreign sovereign.

The rights to make war, to make peace, and to make treaties appertaining exclusively to the national sovereign, (that is to Congress,) your Secretary is of opinion that the thirteen Legislatures have no more authority to exercise the powers, or pass acts of sovereignty on those points, than any thirteen individual citizens.

To execute the laws, or exercise the rights of war against a national enemy, belongs only to the national sovereign, or to those to whom the national sovereign may constitutionally delegate such authority. So that whatever right each State, individually considered, may have to sequester or confiscate the property of their own proper citizens, yet, with respect to the common enemy of the nation, they can separately do no act of national sovereignty; for surely a thirteenth part of a nation can, with no propriety, assume a power of doing national acts proper only to the national sovereign. However recent may be the date of the Confederation, yet a union founded in compact, and vesting the rights of war and peace in Congress, preceded it; and your Secretary is exceedingly mistaken if there ever was a period since the year 1775 to this day, when either of the then Colonies, now States, were in capacity to pass State laws for sequestering or confiscating the debts or property of a national enemy. It was then, and afterwards, by virtue of national commissions, that the enemy's property on the sea was liable to be captured and confiscated, and equal authority was necessary to justify the confiscation of their property found on the land.

Whatever State acts, therefore, may have been passed during the war, exercising rights accruing to the sovereign from the laws of nations respecting war, they cannot, in the opinion of your Secretary, be obligatory on either of the belligerent sovereigns, and consequently not on any of their respective citizens or subjects.

Your Secretary would not have it inferred from these remarks that the States have passed general laws for confiscating British debts due from their citizens. His design, in these remarks, is to obviate any arguments that might be drawn from certain other acts less general and direct, but, in his opinion, equally improper. Such, for instance, as those whereby certain British subjects were declared traitors, and whereby, as a consequence of treason, the debts due to them became payable to the State to which those British subjects

were declared to be traitors; for such laws, however absurd, do exist.

There are also certain other laws authorizing the payment of debts due to certain individuals to be made at the State Treasury, in paper money, &c., &c.

The question then again recurs, Did Congress do any act for extinguishing, remitting, or confiscating, debts due from American to British subjects?

In an act of South Carolina, passed in their Senate the 26th February, 1782, and entitled "An act for disposing of certain estates, and banishing certain persons therein mentioned," your Secretary finds the following recital, viz :

"Whereas the good people of these States having not only suffered great losses and damages by captures of their property on the sea by the subjects of his Britannic Majesty, but by their seizing and carrying off much property taken on the land; in consequence of such proceedings of the British Crown, and those acting under its authority, the honorable Congress of the United States, after due and mature consideration, authorized the seizure and condemnation of *all property found on the sea*, and belonging to the subjects of Great Britain, and recommended to the several States in which her subjects had property to confiscate the same for the public use." This resolution is not specified by its date.

Your Secretary has taken pains to find it in the Journals of Congress, but without success; nor does the Secretary of Congress recollect it. Admitting, however, that there was such a recommendation, yet he cannot think that a recommendation to *confiscate such British property as might be in particular States* can, with any propriety, be construed to extend to the debts due from the people of such States to persons in Britain; nay, the very act which recites this recommendation, and which does confiscate the property of several British subjects, makes an express exception of debts. In short, your Secretary does not know of any act of Congress whereby debts due from Americans to Britons were either extinguished, remitted, or confiscated; and, therefore, he concludes that the fourth article of the treaty must be understood not as reviving or restoring those debts, but as considering them to be, and remain exactly and precisely in their pristine and original state, both with respect to extent and obligation.

If this conclusion be just, your Secretary can perceive no ground for the singular reasonings and questions that have prevailed, respecting the payment of the interest claimed by British creditors, in virtue of express contracts between them and their American debtors.

However harsh and severe the exaction of this interest, considering the war and its effects, may appear and be, yet the treaty must be taken, and fulfilled with its bitter as well as its sweets, and although we were not obliged to accept peace on those terms, yet, having so accepted it, we cannot now invalidate those terms or stipulations, nor with honor or justice refuse to comply with them.

Much better would it be for the United States, either severally or jointly by their own bounty, to relieve those suffering and deserving individuals on whom the performance of this article may press too hard, than by reasonings and comments, which neither posterity nor impartial cotemporaries can think just, to permit our national reputation for probity, candor, and good faith, to be tarnished.

Your Secretary will conclude what he has to say on the subject of interest with a few short remarks.

It appears to him that there are only *three* cases in which interest can with justice be demanded; and that in the *first* of the three the courts of justice are not, and ought not to be at liberty to refuse it, viz:

1. In all cases where interest is fairly and expressly contracted and agreed to be paid. In such cases, the debtor is unquestionably bound to pay it; and ought not to be absolved or excused from it by any act of legislation. In the opinion of your Secretary, every Legislature deviates from the reason and limits of their institution, when they assume and exercise the power of annulling or altering *bona fide* contracts between individuals.

2. Interest may be claimed in certain cases by custom, viz: In cases where it has long been usual for merchants to expect, and to allow, interest on debts after the stipulated term and time of credit and payment has expired. This custom, in the ordinary course of things, is reasonable; for equity demands that he who does not pay at the appointed day should thereafter pay interest to his creditor, as well by way of compensation for the disappointment as for the use of the money.

Whether the reason of this custom can apply in time of war; or whether the equity of the demand of interest, in virtue of the custom,

is or is not overbalanced by the equity of refusing it by reason of the effects of the war, are questions proper for the consideration of the jury; and your Secretary sees nothing in the treaty to prevent their deciding as to them shall appear just and right.

3. Interest may be demanded, and is often given, under the idea of damages for wrongful and vexatious delays of payment.

Every case of this kind must stand on its own merits, and the treaty leaves the jury at liberty to give such a verdict as their opinion of those merits may dictate.

Your Secretary will now proceed to examine the acts complained of as infractions of this article.

The first on the list is called an *act of Massachusetts*, passed the 9th of November, 1784; but it was a resolution of the Legislature, rather than a formal act. As the abridgment of it in the list of grievances may not be so satisfactory to Congress as a recital of it at large, your Secretary thinks it better to report it:

“Commonwealth of Massachusetts, }
“In Senate, November 9, 1784. }

“Whereas, the payment of interest which might have accrued during the late war, upon debts due from the citizens of this or of any of the United States, prior to the commencement of the same, to real British subjects, and others, commonly called absentees, would be not only inequitable and unjust, but the Legislature of this Commonwealth conceive repugnant to the spirit and intendment of the fourth article in the treaty of peace, which provides only for the payment of *bona fide* debts; and as the Legislature have taken measures to obtain the sense of Congress upon the said article, so far as the same respects the payment of interest which might have accrued as aforesaid, and, in the mean time, judgments may be obtained in some of the courts of law of this Commonwealth for interest accruing as aforesaid, contrary to the true design of the said treaty: Therefore—

“*Resolved*, That in all actions or suits which are, or may be, instituted or brought to any of the judicial courts within this Commonwealth, wherein any real British subject or absentee is plaintiff or defendant, and which actions or suits, by the laws thereof, are sustainable therein, the justices of the same courts are hereby severally directed to suspend rendering judgment for any interest that might have accrued upon the demand contained in such actions

and suits, between the 19th day of April, 1775, and the 20th day of January, 1783, until the third Wednesday of the next sitting of the general court: *Provided, always,* That if in any such actions or suits the plaintiffs shall move for, or by default have right of judgment, then, and in such case, the justices aforesaid shall cause judgment to be entered for the principal sum which by the laws of this Commonwealth such plaintiff shall be entitled to recover, and all such interest as accrued thereon before the 19th of April, and subsequent to said 20th day of January, and execution shall issue accordingly; and if Congress shall hereafter determine that interest, which might have accrued on any *bona fide* debt aforesaid during the war, ought by the treaty aforesaid, to be considered as part of such debt, then the said courts, respectively, shall proceed to enter a further judgment for the amount of all such last mentioned interest, without any new process, and issue execution for such further sum accordingly; and all attachments made, or bail given upon any action instituted as aforesaid, shall be holden to respond the final judgment that may be given for the amount of such last mentioned interest.

“Sent down for concurrence.

SAMUEL ADAMS, *President.*

“In the House of Representatives, November 10th, 1784. Read and concurred in.

“SAMUEL A. OTIS, *Speaker.*

“Approved, JOHN HANCOCK.

“A true copy. } JOHN AVERY, Jr., *Secretary.*”
 “Attest:

However this resolution may deviate from the treaty, and perhaps from the proper jurisdiction of the Legislature, yet it bears strong marks of fairness and regard to justice.

It states their doubts on the construction of the article.

It does not assume the power of deciding those doubts. It refers that question to Congress; and, although it *suspends* judgments for interest, yet it does it impartially, and not only in cases where British creditors are plaintiffs, but also where they are defendants. It also provides that if Congress should decide in favor of interest, then judgment and execution shall be given accordingly.

Your Secretary is, nevertheless, of opinion that this resolution was an infraction of the said fourth article.

Because *State Legislatures*, having no cognizance of questions respecting the construction of treaties, can, with no propriety, suspend their operation on account of any fears or apprehensions which they may entertain of and concerning such questions.

Because as it appertained to the courts of judicature to decide such questions, the Legislature ought not to have restrained those courts from rendering such judgments as to them appeared consistent with the treaty and the law; for, by restraining the courts from giving judgment for interest in cases where they would have given such judgment unless so restrained, the Legislature did certainly interpose a *lawful impediment* to the plaintiff's recovering what the courts were ready to adjudge to be his right under that article of the treaty, and their so doing was, therefore, a violation of it.

The next act complained of as being contrary to this article, is one of *New York*, passed on the 12th July, 1782, which was some months prior to the date of the *provisional articles*; so that this complaint must be ill founded, unless this act (if inconsistent with the treaty) was continued and so executed, *after the peace*, as to violate the treaty.

It is by no means accurately stated, as will appear on comparing the account given of it in the list of grievances with the act itself, which is in the following words:

*“An act relative to Debts due to persons within the enemy's lines,”
passed 12th July, 1782.*

“Whereas, many of the inhabitants of this State, who have not remained within the enemy's power, and who were indebted to others who did so remain, are now threatened with suits, and have it not in their power to recover from those who are indebted to them and remained within the power of the enemy:

“Be it therefore enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all suits and prosecution for any debt arising on simple contract, bills, single or penal, or any other obligation, mortgage, security, or demand whatsoever, due by or from any person not within the enemy's power or lines, that has remained with, gone into, or has, in consequence of any law of this State, been sent within the enemy's power or lines, already commenced, or which

hereafter may be commenced, shall be stayed until the Legislature shall make further provision in the premises, any law to the contrary notwithstanding.

“And whereas, it is also just and reasonable that provision should be made for the relief of such citizens of this State who, having received, in payment of debts due to them, paper currency, which at the time of such payment was a legal tender, and which they might, of right, have paid in discharge of any debts due by them, but which it was not in their power to pay to such of their creditors as have remained with, gone into, or were so sent within the enemy’s lines; and which money has, since the receipt thereof, depreciated in their hands: and whereas, it is impossible to apply one general rule to all the variety of cases which do or may arise:

“*Be it therefore enacted by the authority aforesaid*, That in every suit or prosecution which shall be commenced after the Legislature shall, by law, have declared that the necessity of staying such suits or prosecutions as aforesaid does no longer exist, by any person who may have remained with the enemy, gone into them, sent or to be sent, as aforesaid, unto them, against any person who has remained without the power of the enemy, it shall and may be lawful for the court in which such suit shall be commenced or prosecuted, and the court is hereby required, on motion of the defendant or his attorney, to appoint three or five referees, at the option of the court, to try the matter in controversy, and the defendant shall, and hereby is, allowed to plead before such referees any special matter; and if it shall appear to the said referees, or the major part of them, that the special matter alleged and proved by the defendant is of such a nature that, in equity and good conscience, abatement ought to be made from any sum or sums due by such defendant, the referees shall, by a majority of voices, determine the quantum of such abatement; and having made their report and award, in writing, shall return the same into court; and the court shall thereupon give judgment, and order execution to issue in favor of the plaintiff, for the sum so awarded to be due to the plaintiff: *Provided*, That such execution shall not be levied until the expiration of three years next after the enemy shall be expelled from, or shall have abandoned, the city of New York.

“*And be it further enacted by the authority aforesaid*, That it shall and may be lawful for every defendant to pay, in discharge of any debt so found due as aforesaid, to such plaintiff as aforesaid, certifi-

cates or notes signed by any commissioner of loans of the United States, according to the value thereof, as settled by the continental scale of depreciation, or certificates for money due on loans by this State, according to the value thereof, ascertained by law.

“And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person now without the power of the enemy, being a debtor to any person now within the power of the enemy, at any time after the enemy shall be expelled from or shall have abandoned the city of New York, and that the Legislature shall have, by law, declared that such suits as aforesaid shall be no longer stayed, to cite his creditors before any court of law in this State, to have a settlement, and make payment agreeably to the mode prescribed by this act; and if the creditors shall refuse to appear and come to trial within two terms next after such citation, he shall be, and hereby is, declared to be barred and precluded from recovering his said debt, due, or demand, or any part thereof.

“Be it further enacted by the authority aforesaid, That any subject or subjects of this State, not in the power or lines of the enemy, who are indebted by simple contract, bill single or penal, or any other obligation, mortgage, security, or demand whatsoever, to any person or persons that have either remained with, gone into, or have, in consequence of any law of this State, been sent within the enemy's power or lines, for such subjects of this State not in the power or lines of the enemy, so indebted, shall be, and hereby are, discharged from any interest which may have become due on such contract, bill, obligation, mortgage, or securities, since the first day of January, 1776, to the first day of January which shall follow next after the conclusion of the present war; any law, usage, or custom to the contrary notwithstanding: *Provided,* That nothing in this clause contained shall be deemed to operate as a discharge of any interest which may have accrued on any such bill, obligation, mortgage, or other security, excited since the first day of January, 1776: *Provided, nevertheless,* That no person or persons shall be allowed the benefit of this act unless he, she, or they, shall first have taken the oath of abjuration and the oath of allegiance to this State, and shall obtain a certificate, signed by two reputable and well-affected freeholders of this State, (one thereof shall be a judge of the inferior court of common pleas of the county in which the person named in such certificate shall reside,) certifying that he or she is well attached

to the freedom and independence of the United States of *America*, and has taken an active and decided part therein: *And provided further*, That this act shall not extend to any debt or debts contracted or made, or hereafter to be made, for the use of the State, for the payment of which the faith thereof is pledged: *And provided also, further*, That nothing in this act contained shall be construed to extend to any person that heretofore hath been, now is, or hereafter shall be, a prisoner with the enemy.”

It must be obvious to those who carefully peruse this act, that it neither mentions nor respects *British creditors*; and your Secretary is well informed that it never has been construed to extend to them, but, on the contrary, it has universally been considered as incapable of such a construction. The complaint urged against it, therefore, is entirely without reason.

This circumstance shows the necessity of minutely examining the facts and complaints contained in this list of grievances.

The next in order is an act of *Pennsylvania*, said to have been passed soon after the peace, to *restrain the recovery of the old debts* for a given period. The one intended is, doubtless, the following:

“*An act for extending the provision made in the seventh section of the act entitled ‘An act for the repeal of so much of the laws of this Commonwealth as make the Continental bills of credit, and the bills emitted by the resolves or acts of Assemblies of the said Commonwealth, a legal tender,’ and for the other purposes therein mentioned.*”

“Whereas, the provision made by the act entitled ‘An act for the repeal of so much of the laws of this Commonwealth as make the Continental bills of credit, and the bills emitted by the resolves or acts of Assemblies of the said Commonwealth, a legal tender’ in behalf of those persons who, from principles of honor and honesty, declined paying their debts with a depreciated paper currency, when they had it in their power by law so to have done, will cease on the 21st day of June next.

“And whereas it was deemed reasonable, at the time of passing the aforesaid act, that such honest debtors should not be compelled to pay their old debts till gold and silver money should become more plenty and easier to be procured; and whereas, from divers causes, it hath actually become more scarce and difficult to be procured

than at the time of passing the aforesaid act, and, in consequence thereof, great numbers of honest debtors, as aforesaid, will be ruined, unless some further relief be provided for them :

“Be it therefore enacted, and it is hereby enacted by the representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That no execution shall issue for the principal sum due by any contract, or species of contract whatever, entered into before the first day of January, 1777, (debts due to the State only excepted,) until one year from and after the 21st day of June next ensuing, and from thence until the end of the next sitting of Assembly, anything in the said act to the contrary notwithstanding.

“And whereas divers debtors, who had contracted debts, which, by reason of losses and misfortunes in trade, they were unable at the time to pay, have, before the said first day of January, 1777, assigned and made over their real estates, or such parts thereof as their creditors were willing to accept, to trustees, in trust, that the same should be sold within a reasonable time to pay and satisfy such debts, which said trusts have not been executed ; and whereas the scarcity of gold and silver hath caused the value of lands and tenements in most parts of this State to fall vastly below the real value of the same ; and, if compulsory sales were to be made of such lands and tenements, it is probable they would fall short of paying the debts which they were at first supposed a sufficient security for, to the injury and oppression of both debtor and creditor.

“Be it therefore enacted by the authority aforesaid, That no sales shall be made by any such trustees of any lands and tenements which were so as aforesaid assigned, and made over to them before the said 21st day of June, 1784, and from thence until the end of the next sitting of Assembly, without the consent in writing of the debtor or assignor, or his legal representative, first had and obtained.

“And be it further enacted by the authority aforesaid, That no act or statute of limitation of actions shall run, or be deemed or taken to have run, at any time between the 1st day of January, 1776, and the end of one year from and after the 21st day of June next, upon all debts and contracts made or entered into before the 1st day of January, 1776.

“And be it further enacted by the authority aforesaid, That whenever it shall appear that any debt or duty was contracted or

incurred on or before the 1st day of January, 1777, and any bond, obligation, or other security hath been entered into for the payment thereof since the 1st day of January, the plaintiff who hath brought or shall bring any suit or suits on any such bond or obligation, executed in the manner aforesaid, may proceed to judgment in such action, and may issue his execution for the interest, damages, and costs as aforesaid; but no execution shall issue for the principal debt or sum until one year from and after the 21st day of June next as aforesaid.

“And be it also further enacted by the authority aforesaid, That so much of the aforesaid act as is contrary to this act shall be, and the same is hereby, repealed and made void.

“Signed by order of the House.

*“FREDERICK A. MUHLENBERG,
“Speaker.*

“Enacted a law at Philadelphia, on Wednesday, the 12th day of March, in the year of our Lord 1783.

*“PETER L. LLOYD,
“Clerk of the General Assembly.”*

To say, in general terms, that this act was passed to *restrain the recovery of the old debts* for a given period, was conveying rather harder ideas of it than candor would justify; for from this description one would suppose that the act was passed to prevent actions being brought for a given period for the recovery of British debts in particular, whereas the act leaves every British and other creditor at liberty to commence and prosecute actions to *judgment*, and only restrains them for a limited time from *issuing executions* for the *principal sum due*. Your Secretary is, nevertheless, of opinion that any law to restrain for any given time British creditors from issuing execution on judgments regularly obtained, is an infraction of the fourth article of the treaty, and, therefore, that this act of Pennsylvania must be considered in that light.

To this act the list of grievances imputes consequences with which it does not appear to be chargeable. “This law,” it says, “operating ‘with the fears and prejudices of some of the inhabitants, has produced ‘effects of the most mischievous consequences to the British mer-‘chants; for not only a uniform opposition has been made against ‘the payment of *interest*, but the lawyers, dreading the resentment

‘of some of the most violent among their countrymen, have refused to engage in the recovery of these unpopular demands,” &c.

That there may have been an opposition to the payment of interest prevailing in Pennsylvania, may be true; but the act affords no countenance to such opposition, nor does it contain any thing to discourage, or to induce the people to discourage, lawyers from commencing actions for the recovery of debts due to British subjects. That they may have been generally disinclined to such actions, is possible; but surely they must reason strangely, who, from the *personal* disinclination or refusal of lawyers to be concerned in certain causes, can argue legal impediment to the prosecution of such causes.

The act in question was followed by another, which, though less exceptionable, is not altogether free from objections. It passed the 23d of December, 1784, and is as follows :

“An act for directing the mode of recovering Debts contracted before the first day of January, in the year of our Lord 1777.

“Whereas, most of the debts contracted by the citizens of this State before the first day of January, in the year of our Lord 1777, which yet remain unpaid, are due and owing from persons who, from principles of honor and honesty, declined paying their debts in paper currency of less value than the money in which they were contracted, when, by the laws of the State, they might have so done; and it would be unreasonable that such debtors should be compelled or compellable to discharge their old debts in gold or silver money until it shall become more plenty and easier to be acquired; and whereas divers acts have been heretofore made giving time to such debtors to pay such debts, which acts have expired by their own limitation; and it is reasonable to provide a further term for the payment of such debts—

“Be it therefore enacted, and it is hereby enacted, by the Representatives of the freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That where any judgment hath already been, or hereafter shall be, entered in any court of record within this State, against any citizen or inhabitant thereof, either by default or upon the confession of the party, the report of referees, the verdict of a jury, or otherwise, for any sum of money contracted for or due upon any bond, specialty, bill, note,

bill of exchange, or order, assumpsit, simple contract, or otherwise, or for rents or annuities, due or payable before the said first day of January, in the year 1777, such court is hereby authorized and required to ascertain the sum or sums so due in each respective case, and thereupon to give judgment for the whole sum due, as well principal as legal interest to the time of such judgment being obtained, with stay of execution; nevertheless, for the respective times hereinafter limited, that is to say, as to one-third part of the said principal and interest, and one year's interest thereon, and the whole cost and charges accrued thereon for the term of one year from and after the passing of this act; as to one other third part thereof, and one year's interest upon two-third parts thereof, with the increasing costs and charges thereon, for the term of two years from and after the passing of this act; and as to the remaining one-third part thereof, with one year's interest thereof, and the further increased costs and charges thereon, for the term of three years from and after the passing of this act; and that several executions for the said several proportions of the said debt or damages may and shall be issued at the request of the plaintiff or plaintiffs, his, her, or their executors, administrators, or assigns, if the said several proportions of the same be not paid and discharged, with interest and costs, in the manner and at the times above specified. And in all such judgments hereafter to be entered, the stay of execution shall be regulated in equal third parts; that is to say, the first third part thereof for such time as shall be equal to one-third part of the time between the entering of such judgment and the expiration of three years from the passing of this act; the second part thereof for such time as shall be equal to two-third parts of the time from the entering such judgment and the expiration of three years from the passing of this act; and the remaining third part thereof until the expiration of the said three years from the passing of this act; after which time executions may, and shall, at the request of the plaintiff or plaintiffs, his or their executors, administrators, or assigns, or any person for him or them, be issued against the defendant or defendants, his, her, or their executors, administrators, or assigns, without any writ or writs of *scire facias* to revive such judgments.

“And be it further enacted by the authority aforesaid, That all process and proceedings upon any writs of execution now issued, and in the hands of any sheriff or other officer within this State, founded

upon judgments obtained for any such debts due before the 1st day of January, in the year of our Lord 1777, shall be stayed, and the sheriffs and other officers are hereby forbid to proceed therein, if the defendant or defendants in such writ named, or some person for him or them, shall tender and pay to such sheriff or other officer the amount of the interest of such debt, and the costs and charges accrued thereon at any time before actual sale of the goods and chattels, lands and tenements, taken in execution; and shall give security that the goods and chattels, if such be taken in execution upon such writs, shall be forthcoming in equal plight, and of equal value at the expiration of one year from the passing of this act, and satisfy such debts or damages as in the said writs are specified.

“And whereas divers persons have assigned and made over their estates, or some parts thereof, to trustees, to be sold for the satisfaction of debts contracted before the said 1st day of January, 1777, and it is reasonable to allow to such assigning debtors the benefit of the terms herein before allowed to other debtors for discharging their old debts:

“Be it therefore enacted, and it is hereby enacted by the authority aforesaid, That no assignee or assignees in trust of the estate of any debtor whose debts were contracted, and the assignment to secure the same was made before the said 1st day of January, 1777, shall have power to sell or expose to sale any part of the lands or tenements so to them or him assigned, for the purpose of raising money to pay such debts within the term of three years from the passing of this act, without the consent of such assigning debtor to be expressed in writing, or by his signing as a witness or a party to the deeds of conveyance of the same.

“Provided always, nevertheless, That nothing contained in this act shall be taken or construed to affect the recovery of any debt due to this State or to the United States; and that if any defendant or defendants, or any assigning debtor or debtors as aforesaid, are not, or shall not be seized in his or their own right of a real estate sufficient to satisfy, beyond reprisals, all his, her, or their debts, and shall be about to depart this State without securing the same, then, and in such case, it shall and may be lawful to, and for all and every plaintiff and plaintiffs, creditor and creditors, assignee or assignees, to sue out executions, and proceed to sale of all their goods and chattels,

lands and tenements, to satisfy such debts, in the same manner as he or they could have done the same if this act had never been passed, any thing herein contained to the contrary notwithstanding.

“And provided also, and be it further enacted by the authority aforesaid, That this act, nor any thing therein contained, shall not extend, or be construed to extend to any debt or debts which were due before the 4th day of July, 1776, by any of the citizens of this State to any of the subjects of Great Britain.

“Signed by order of the House.

“JOHN BAYARD, Speaker.

“Enacted into a law at Philadelphia, on Thursday, the 23d day of December, in the year of our Lord 1784.

“SAMUEL BRYAN,

“Clerk of the General Assembly.”

It is to be observed that this act applies generally to all debts contracted prior to the 1st January, 1777, and that the proviso in favor of British creditors only prevents its extending to such debts to British subjects as were due before the 4th day of July, 1776; so that the law is left to operate on all debts to British subjects which became due between 4th July, 1776, and 1st January, 1777. This discrimination in those debts appears to your Secretary to be inconsistent with the treaty; and the more so as debts which became due in the course of that interval might have been, and many of them doubtless were, contracted at a much more early date, and before actual war had taken place between the two countries.

Inasmuch, therefore, as this act creates lawful impediments to the recovery of those debts to British subjects which became due or payable after the 4th July, 1776, your Secretary thinks it does, in that respect, contravene the 4th article of the treaty.

Maryland is mentioned in the list of grievances as having violated the treaty by acts relative to debts due to British subjects; but no specific complaint or charge is urged against her, nor is any one of her acts named as liable to that imputation or construction.

Against *Virginia* the list of grievances contains pointed complaints. It states that many British merchants had sent agents and factors to *Maryland* and *Virginia* to collect their debts, &c., &c.; and that the Governor of *Virginia*, on the 2d July, 1783, issued (what the

omplainants call) an *edict*, but in fact a proclamation, ordering, as they say, "all the British agents and factors who had arrived in that State forthwith to depart the same."

This is not a candid representation of that proclamation. It is as follows:

By his Excellency Benjamin Harrison, Esquire, Governor of the Commonwealth of Virginia,

"A PROCLAMATION.

"Whereas, by reason of the late suspension of hostilities between the United States and his Britannic Majesty, and an abuse of those indulgences granted to British commerce at the last session of the General Assembly, many evil disposed persons, still obnoxious to the laws of this Commonwealth, have found means to introduce themselves into the same: And whereas, it is probable many others will follow their example, to the disturbance of the peace and harmony of the State, unless speedily prevented by a vigorous execution of the law: I have therefore thought, with the advice of the Council of State, to issue this my proclamation, hereby commanding all such persons as have either voluntarily left this country and adhered to the enemy since the 19th April, 1775, or have been expelled, the same by any act of the Legislature or order of the Executive, or such natives who have at any time borne arms in the service of the enemy against this Commonwealth, and have since returned without being authorized by law so to do, forthwith to depart the State. And I do further hereby strictly inhibit the return, as well of those as all others coming within the like description, until the determination of the Legislature on this subject can be known. And to the end that this proclamation may have its full effect, I hereby enjoin and command all officers, civil and military, within this Commonwealth, and all others concerned, to pay due obedience hereto.

"Given under my hand and seal of the Commonwealth, in the Council Chamber, the 2d day of July, 1783.

"BENJAMIN HARRISON."

They who read this proclamation cannot easily avoid observing that it has no relation to *British agents and factors*, considered *as such*; but only to persons of certain descriptions, whose residence

in Virginia was inadmissible by the laws then existing, and who, while so circumstanced, ought not to have gone, or been sent there, either as factors or in any other character.

It is also certain that this proclamation was issued on the 2d July, 1783, and that the treaty of peace was not ratified by either of the parties until the following year.

It is very extraordinary, therefore, that, considering its contents and date, this proclamation should be viewed by any candid eye as an infraction of the 4th or any other article of the treaty; especially, too, as the complainants knew, and do admit, that in November, 1783, and before the treaty was ratified, "the legislative body of Virginia removed the restriction."

They further complain that, although the said agents and factors have since remained unmolested, yet, that "no permission whatever 'has been given, either to merchants acting for themselves, or to 'agents or factors acting for employers in Britain, to recover any 'part of the debts or property left in the country in the year 1775," but they do not particularize the acts of Virginia, which impose the restrictions they complain of.

Your Secretary nevertheless believes that fact to be as they represent it, for he finds it standing admitted by the Assembly of Virginia in resolutions they passed on the 22d June, 1784, viz :

"VIRGINIA, *to wit* :

"In General Assembly, the 22d June, 1784.

"It appearing to the General Assembly, from a letter from his Excellency General Washington, dated the 7th day of May, 1783, that, in obedience to a resolution of Congress, he had a conference with General Carleton on the subject of delivering up the slaves and other property belonging to the citizens of the United States, in compliance with the articles of the provisional treaty, that he (General Carleton) appeared to evade a compliance with the said treaty by a misconstruction of the same, and permitted a large number of the said slaves to be sent off to Nova Scotia. It further appearing to the General Assembly, from the testimony of Thomas Walke, Esq., that he, together with several other persons from the counties of Norfolk and Princess Anne, in or about the month of April, 1783, went to New York with a view of recovering the slaves which had been taken from them by the British troops during the war; that

not being permitted to take possession of those slaves which they found in that city, the said Walke made a personal application to General Carleton, and requested a delivery of the said slaves, in compliance with the 7th article of the treaty, which prohibits the carrying off negroes or other property belonging to the inhabitants of the United States. This he peremptorily refused, alleging that he was not authorized to do it without particular instructions from the British Government. That at the time of this application the said Walke was informed by an aid-de-camp of General Carleton that an agent was appointed to superintend the embarkation and keep a register of slaves sent to Nova Scotia, and that he afterwards saw the said register, and also saw a large number of negroes embarked to be sent to that country.

“It further appearing to the General Assembly, from the testimony of Mr. John Stewart, of the State of Maryland, as well as from a variety of other circumstances, that many applications were made to General Carleton, by citizens of America, for the restitution of property, which were invariably rejected—

“*Resolved*, That there has been an infraction, on the part of Great Britain, of the seventh article of the treaty of peace between the United States of America and Great Britain, in detaining the slaves and other property of the citizens of the United States.

“*Resolved*, That the delegates representing this State in Congress be instructed to lay before that body the subject-matter of the preceding information and resolution, and to request from them a remonstrance to the British Court, complaining of the aforesaid infraction of the treaty of peace, and desiring a proper reparation of the injuries consequent thereupon; that the said delegates be instructed to inform Congress that the General Assembly has no inclination to interfere with the power of making treaties with foreign nations, which the Confederation hath wisely vested in Congress; but it is conceived that a just regard to the national honor and interest of the citizens of this Commonwealth obliges the Assembly to withhold their coöperation in the complete fulfilment of the said treaty, until the success of the aforesaid remonstrance is known, or Congress shall signify their sentiments touching the premises.

“*Resolved*, That so soon as reparation is made for the aforesaid infraction, or Congress shall judge it indispensably necessary, such acts of the Legislature passed during the late war, as inhibit the

recovery of British debts, ought to be repealed, and payment thereof made in such time and manner as shall consist with the exhausted situation of this Commonwealth.

“Extract from the Journal of Assembly.

“JOHN BECKLEY, *Clk. H. D.*”

Inasmuch, therefore, as the laws of Virginia, existing in force after the peace, did *inhibit the recovery of British debts*, there can be no doubt but that such inhibition was, and is, an infraction of the fourth article of the treaty. Whether that infraction was justifiable, or, in other words, whether the reasons assigned for it in the preamble to those resolutions were good and sufficient, shall be considered under a distinct head.

As to the bill said to have passed the Legislature of Virginia in October, 1784, the complainants admit that it never became a law, and therefore it is, and ought to be, entirely out of the question.

North Carolina is classed with Virginia in such a manner as to infuse an idea of her having given occasion to similar complaints; but not a single charge being specified or stated against her, there is reason to presume that she had not given just cause for complaint.

Whether that is or is not in fact the case, your Secretary is uninformed; not having, as yet, been able to procure a copy of the acts of *North Carolina*.

Of *South Carolina*, the list of grievances complains in strong and pointed terms. It takes particular notice of an ordinance passed there the 26th March, 1784, viz :

“*An Ordinance respecting Suits for the Recovery of Debts.*

“*Be it ordained by the honorable the Senate and House of Representatives, met in General Assembly, and by the authority of the same, That no suit or action shall commence, either in equity or at law, for the recovery of any debt or bond, note or account, contracted by a citizen of this or any of the United States, previous to the 26th day of February, in the year of our Lord 1782, until the first day of January next, after which time it shall and may be lawful to and for any person, and all persons, to sue for and recover all interest which shall have accrued since the 1st day of January, 1780, on all bonds, notes, or other contracts bearing interest: Provided, nevertheless, That nothing herein contained shall be*

construed to extend to prevent any creditor from suing for and recovering all interest accruing upon bond or notes since the 26th day of February, 1782.

“And be it further ordained, by the authority aforesaid, That it shall and may be lawful for any person, and all persons, to whom any debt shall be due as aforesaid, to sue for, and recover, after the 1st day of January, which will be in the year of our Lord 1786, all such other interest as may be then due on such debt, and the fourth part of the principal debt which shall be owing to him, her, or them; and from and after the 1st day of January, which will be in the year of our Lord 1787, one other fourth part of the principal debt, with the interest which shall have accrued thereon; and from and after the 1st day of January, which will be in the year of our Lord 1788, one other fourth part of the principal debt, with the interest which shall have accrued thereon; and from and after the 1st day of January, which will be in the year of our Lord 1789, the balance which may be then due and owing: Provided, nevertheless, That if any person who shall be indebted as aforesaid shall, after a notice of ten days, refuse to give security to his creditor (which notice shall be proved by such creditor on oath, before any justice of the peace,) for the payment of such sum or sums of money as may be due and owing to him, to be approved of by one of the judges of the court of common pleas, if in Charleston district, and by a commissioner for taking special bail, if in any of the circuit court districts; that in such case it shall and may be lawful for the creditor to sue for the said debt, and to proceed to execution; which execution may be levied, and the property so seized be sold, if the debtor shall refuse to give the security hereby required, and pay the costs of suit.

“And be it further ordained, by the authority aforesaid, That all moneys which shall be due on such open accounts as are restrained by this ordinance from being sued, shall bear an interest of seven per cent. per annum, from the passing of this ordinance.

“And be it further ordained, by the authority aforesaid, That all bonds or other securities which have been given since the 26th day of February, in the year of our Lord 1782, for debts contracted previous to that day, except bonds or notes which have been taken for interest due since that time, shall be, and the same are hereby declared to be, no otherwise recoverable than other debts for which securities have not been given.

“And be it further ordained, by the authority aforesaid, That no seizure shall be made of any property which may have been mortgaged previous to the 26th day of February, in the year of our Lord 1782, provided the person whose property has been mortgaged shall pay the principal and interest of the debt for which the said property has been mortgaged, at such periods as are required by this ordinance; and, on failure thereof, the said mortgaged property may be taken and held by the person to whom the same has been so mortgaged, until the payment shall be made as aforesaid.

“In the Senate House, the 26th day of March, in the year of our Lord 1784, and in the eighth year of the independence of the United States of America.

“JOHN LLOYD,

“President of the Senate.

“HUGH RUTLEDGE,

“Speaker of House Representatives.”

The most cursory comparison of this ordinance with the fourth article of the treaty will point out the direct opposition that exists between them.

The list of grievances also states, with much particularity, an act of South Carolina, which, it says, was passed 12th October, 1785, and entitled “An act for regulating sales under execution, and for other purposes therein mentioned,” whereby a debtor, during any period of a suit that has been or may be commenced, is allowed to tender land in payment of his debt, &c.

Your Secretary has not been able to procure a copy of this act.

If the account given of it in the list of grievances be accurate, it certainly is a singular act, and a plain violation of the fourth article, which expressly stipulates for the recovery of the full value in *sterling money*, of all *bona fide* debts, &c. In the same light must be viewed the pleas (if adjudged good ones) of former tenders in depreciated paper, in bar of the demands of British creditors.

The list of grievances, in a summary manner, charges *Georgia* with having passed laws and regulations similar to those in South Carolina, and with degrees of peculiar and manifest aggravation.

But as none of these laws or regulations are specified, and as your Secretary has not the acts of *Georgia*, he cannot decide how far these complaints against her are well founded or otherwise.

It is much to be wished that the Executive of each of the States could be prevailed upon at the conclusion of every session to transmit to Congress copies of all the acts passed by the Legislature during the course of it, or that Congress would be pleased to direct that such copies be regularly purchased and sent to them at the public expense.

There are other matters mentioned in the list of grievances relative to the performance of the fourth article, which merit some consideration. They may be comprised under two heads :

1. Popular and improper opposition to the recovery of debts.
2. The payments in paper made into State treasuries, on account of debts due to British creditors, pursuant to certain acts of some of the States requiring or authorizing the same.

With respect to the *first* of these, your Secretary thinks the following observations are applicable to such cases when and wherever arising :

Although popular reluctance and opposition to pay debts may, and probably does, in some instances, retard and embarrass the recovery of them, yet, while the course of justice continues steadily to bear down that opposition, and to execute the laws with punctuality and decision, such vanquished opposition rather does honor than discredit to the Government ; and, therefore, however inconvenient and temporary commotions or improper combinations may have been, yet the vigorous and effectual interposition of Government must forever acquit it of blame. But if, from the imbecility and relaxation, or from the connivance of Government, it should so happen that the ordinary course of justice becomes and continues so obstructed as that foreigners, claiming the benefit of treaties with the United States, cannot avail themselves of rights secured to them by such treaties, then, in his opinion, the delinquent State cannot be without blame. For, as every Government is and must be presumed to have sufficient power and energy to exact from its own citizens a compliance with their own compacts and stipulations, a failure or omission to do it will naturally be imputed to the want of inclination, and not to the want of means.

Whenever such cases happen, they must excite the notice of Congress, to whom it appertains to see that national treaties be faithfully observed throughout the whole extent of their jurisdiction.

Your Secretary does not think himself warranted by any facts

which have hitherto come to his knowledge, to apply these principles against any of the States. For, although the list of grievances complains "that so great and general are the obstructions to the recovery of debts, that in several districts remote from Charleston the courts have been prevented by tumultuous and riotous proceedings from determining actions of debt," yet, it neither informs us whether this was a singular or common case, nor whether the Government did or did not interpose and reestablish good order. The presumption is, that the Government did what they ought to have done; and he thinks such must continue to be the presumption until well authenticated facts shall declare it to be ill-founded.

Your Secretary does not experience much difficulty in forming a judgment of what is right relative to the payments made into some of the State treasuries by debtors to British creditors, in pursuance of certain State acts requiring or authorizing the same.

From the principles stated in the preceding part of this report, your Secretary infers that the treaty of peace does not consider the debts mentioned in the fourth article as being exactly in their original state of obligation and extent, leaving the contracts on which they depend to be executed according to the tenor, true intent, and meaning of them. If so, British creditors have no sort of concern with any payments (made on account of the debts due to them) other than such as they either accepted, directed, or approved; for, in relation to the creditor, all such payments are as if they had never been made, and he is justifiable in proceeding against his debtor accordingly. But between the debtor so paying into a State treasury, and the State directing, inviting, or authorizing him to do it, an account should be opened; and the State is, in your Secretary's opinion, bound in justice to repay him the then real value of such money as he so put into the treasury, together with lawful interest for the use of it.

But violations of the fourth article are not the only ones alleged in the list of grievances. It expressly charges that as little respect has, in certain instances, been paid to the fifth and sixth articles. Of these in their order.

The fifth article is in these words: "It is agreed that Congress shall earnestly recommend it to the Legislatures of the respective States to provide for the restitution of all estates, rights, and properties which have been confiscated, belonging to real British subjects;

‘and also of the estates, rights, and properties of persons resident
‘in districts in possession of his Majesty’s arms, and who have not
‘borne arms against the said United States; and that persons of any
‘other description shall have free liberty to go to any part or parts of
‘the thirteen United States, and therein to remain twelve months
‘unmolested, in their endeavors to obtain the restitution of such of
‘their estates, rights, and properties, as may have been confiscated;
‘and that Congress shall also earnestly recommend to the several
‘States a reconsideration and revision of all acts or laws respecting
‘the premises, so as to render the said acts or laws perfectly
‘consistent, not only with justice and equity, but with that spirit of
‘conciliation which, on the return of the blessings of peace, should
‘universally prevail; and that Congress shall also earnestly recom-
‘mend to the several States that the estates, rights, and properties, of
‘such last-mentioned persons shall be restored to them, they refunding
‘to any persons who may now be in possession the *bona fide* price
‘(where any has been given) which such persons may have paid on
‘purchasing any of the said lands, rights, or properties, since the
‘confiscation.

“And it is agreed that all persons who may have any interest in
‘confiscated lands, either by debts, marriage settlements, or other-
‘wise, shall meet with no lawful impediment in the prosecution of
‘their just rights.”

The complainants insist that South Carolina has violated this
article, and in the following instances, viz:

1. That certain persons were permitted to go there to obtain the
restitution of their rights and properties, and that the purposes for
which they went were frustrated by a suspension of the courts of
justice. That they were compelled to depart by a public notification
from the Governor, after having been at considerable expense of time
and money in a delusive pursuit. That, during their stay, they
experienced great personal insult and abuse.

Who these persons were may be conjectured from the purposes
for which they went to South Carolina. They went to *obtain the*
restitution of their rights and properties, and were probably of the
number of those who were objects of a certain act passed there the
26th February, 1782, entitled “An act for disposing of certain
‘estates and banishing certain persons therein mentioned.”

It should be remembered that this act was passed during the
war.

An examination of it, and of some subsequent acts, will tend to show how far the complaint of these persons is well founded.

This act divides the persons intended to be affected by it into eight classes.

The *first* class was composed of persons who were known to be *subjects of his Britannic Majesty*. Their names are mentioned in a schedule annexed to the act, which is distinguished by list No. 1.

No personal offences are imputed to them, and national reasons are assigned for divesting them of their property, real and personal, "debts excepted," for the use of the State.

The *second* class was composed of persons who, *owing allegiance* to the State, refused to take an oath professing the same.

The *third* class consisted of persons who, *owing allegiance* to the State, had, in 1779, taken up arms with the enemy, and having, by proclamation, been required by name to surrender themselves by a given time, did not obey.

The act divests them of their estates, with exception, however, of such as had returned and borne arms in defence of the State before the 27th September, 1781.

The *fourth* class (named in list No. 2) had withdrawn themselves from their *allegiance*, and congratulated the enemy's leaders on the reduction of Charleston.

The *fifth* class (named in list No. 3) had withdrawn from their *allegiance*, and requested to be embodied and to be permitted to serve as royal militia.

The *sixth* class (named in list No. 4) had, in violation of their *duty to the State*, and with circumstances aggravating the impropriety of such conduct, congratulated Earl Cornwallis on his success, and gloried in the blood of their countrymen shed by the enemy.

The *seventh* class (named in list No. 5) held, or had held, commissions in the enemy's service, in defiance of an act of the State declaring such offences to be capital.

The *eighth* class (named in list No. 6) had manifested their attachment to the British Government, and their inveteracy to the State.

The act divested the seven last classes of their estates, and banished all those whose names are mentioned in lists Nos. 2, 3, 4, and 5.

From this act, compared with the case of the complainants, as stated by themselves, it may fairly be inferred that they are not *British subjects*, for none of that character are banished by the act.

During the course of the same session, viz, 1782, an act was passed entitled "An act for pardoning the persons therein *described*, on the conditions therein mentioned." The preamble is in these words: "Whereas, many persons, inhabitants of, and owing *allegiance* 'to this State, some of them having signed congratulatory addresses 'to Sir Henry Clinton and Mariot Arbuthnot, Esquire, and to the 'Earl Cornwallis, on the successes of his Britannic Majesty's arms 'in this country, and others having borne commissions under the 'British Government, are excepted, by the Governor's proclamation, 'bearing date on or about the 27th September last, from pardon for 'those offences: And whereas, some of the said persons have 'surrendered to the justice and submitted themselves to the mercy 'of their country: And whereas, many persons who would have 'been entitled to the benefit of the said proclamation, had they 'returned to their allegiance before the expiration of the time limited 'for the same, did neglect to surrender themselves, but have, since 'the 17th day of December, withdrawn from the enemy, and borne 'arms in defence of this State; and the Legislature, moved with 'compassion, are willing to grant them pardon on conditions which 'may in some degree atone for those offences."

The act then proceeds to charge them with the payment (within six months) of ten per cent. on the amount of their estates, and thereupon to grant a full pardon to them all, excepting only such as were or might be accused of counterfeiting money, plundering, robbery, house-burning, house-breaking, or murder. It also pardons all such as had borne arms with the enemy, and had come out since the 17th day of December, and who had no estates; it, however, bound them over to the next session, and required that they should either do nine months' duty in the militia, or enlist in the continental service.

Although this merciful and humane act comprehended a large number of persons, yet it seems that the complainants were either not included in it, or have failed to comply with the terms it required.

On the 6th March, 1783, an act was passed *to alter and amend* the act entitled "An act for disposing of certain estates and banishing

certain persons therein mentioned.” This act also bears strong marks of temper and humanity. The preamble recites: “That ‘whereas, in and by the 16th section of the said act, it is enacted, ‘that instead of inflicting capital punishment on such persons, they ‘should be, and they are thereby, to be forever banished from the ‘said State; and if any of the said persons should remain in the ‘State forty days next after the passing of the said act, or should ‘return to this State, the Governor or Commander-in-Chief, for the ‘time being, is thereby authorized and required to cause the persons ‘remaining in or returning to the State to be apprehended and ‘committed to jail, there to remain, without bail or mainprise, until ‘a convenient opportunity should offer of transporting the said person ‘or persons from this State to some part of his Britannic Majesty’s ‘dominions, which the Governor, or Commander-in-Chief, for the ‘time being, is thereby required to do. And if any of the said ‘persons should return to this State after such transportation, then, ‘and in such case, he or they should be adjudged, and they are ‘thereby declared to be guilty of felony, and should, upon conviction ‘of the offence of having returned as aforesaid, suffer death, without ‘the benefit of clergy.’

“And whereas, notwithstanding the said act, on the evacuation of ‘the garrison of Charleston by the British forces, on the 14th day of ‘December last past, many persons, whose names are mentioned in ‘the lists annexed to the said act, relying on the lenity of the ‘American Government and the mercy of their fellow-citizens, did ‘remain and continue in Charleston, and have surrendered themselves to the custody of the sheriff of Charleston district, and have ‘been confined, by virtue of, and in pursuance of, the said recited ‘act, in the common jail of Charleston district.

“And whereas such persons have severally preferred their humble ‘petitions to the Legislature of the said State, asserting their innocence of any of the crimes imputed to them, and praying for a trial ‘and full examination of their conduct; which petitions have been ‘received and are referred to proper committees by both Houses of ‘the Legislature.

“And whereas it is considered unnecessary in such cases to carry ‘the said in part recited act into a full and strict execution with ‘respect to the close imprisonment and sale of the effects of the said ‘persons as aforesaid surrendering and submitting themselves; and

the Legislature, with its accustomed lenity, hath resolved to admit bail for such persons to be taken to enforce their appearance at a future day, when the merits of their petitions shall have been decided on."

The act accordingly admits them to bail, and suspends the further sale of their estates until their cases should be finally decided on.

To this act there is annexed "a list of persons on the confiscation bill who have petitioned, and whose cases have been favorably determined in the Senate, and others who have been favorably reported on in the House of Representatives."

This list contains above seventy names.

The complainants, however, seem not to have been of that description.

In the same session another good-natured act was passed, which, among other things, provided "that the household furniture, plate, linen, wearing apparel, carriages, and carriage-horses, with such negroes as were generally attendant upon the families of those persons who were described in the confiscation act, *should be allowed to them.*"

Your Secretary takes notice of this act, because it indicates a degree of humanity in the Legislature, which, considering the outrages committed in that State, is remarkable.

On the 17th March, 1783, an ordinance was passed for disposing of the estates of certain persons, and for other purposes therein mentioned.

It recites "that many of the former citizens of the State, in violation of their allegiance, had withdrawn themselves and joined the enemy."

It confiscates the estates of such persons. It directs the commanding officers of the several regiments of militia to return the names of such persons to the commissioners within three months.

With great regard for justice and fairness, it permits such persons to return to the State within six months after the end of that session, *to take their trial*; and declares the ordinance void as to such of them as should be acquitted.

If the complainants were of the class mentioned in this act, they either neglected the means it prescribes for them to manifest their innocence, or they failed in doing it.

On the 26th March, 1784, an act was passed, which, in the opinion of your Secretary, places the magnanimity and moderation of the State in so distinguished a point of light, that it ought to be inserted at large in this report.

“An act for restoring to certain persons therein mentioned their Estates, both real and personal, and for permitting the said persons to return to this State, and for other purposes therein mentioned.”

“Whereas, by an act entitled ‘An act for disposing of certain estates, and banishing certain persons therein mentioned,’ the estates of such persons were confiscated and forfeited to the use of this State: and whereas, the United States in Congress assembled have earnestly recommended to the several States to reconsider and revise their laws regarding confiscation, so as to render the said laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail:

“Be it enacted by the honorable the Senate and House of Representatives in General Assembly met, and by the authority of the same, That all and every the estate and estates, both real and personal, of the several persons whose names are mentioned in the list number *one*, hereunto annexed, and which estates have not been sold by the Commissioners of Forfeited Estates, is, and are, and shall be, taken from and divested out of the commissioners appointed by the said act for disposing of the said estates, is hereby restored to, and revested in, the several persons respectively mentioned in the said list number *one*, and to the heirs of each and every of them, in the same manner, and for the same use and behoof, as each and every of the said persons were seized or possessed of the same before the passing of the said act.

“And be it further enacted by the authority aforesaid, That all and every of the said person and persons mentioned in the lists numbers *one*, *two*, and *three*, be allowed and permitted to return to and reside in this State; and every part, clause, matter, and thing in the said act contained, respecting the banishment of the said persons, and the disposal of their estates for the use of this State, except such parts thereof as have been sold by the Commissioners of Forfeited Estates, be, and the same is hereby, repealed:

Provided always, and be it further enacted by the authority aforesaid, That the persons named in the lists numbers one and three, their attorneys or agents, where their estates have not been sold, should make a true and just return to the said commissioners, on oath or affirmation, of all their estates, real and personal, within four months next after the passing this act; and that the said commissioners shall cause an assessment of twelve per cent. to be rated on the just and real value of such estates, which assessment shall be paid by the said persons to the said commissioners, in specie, on or before the 1st day of March, 1785; and, on their failing so to do, the said commissioners shall cause such assessment to be levied and paid into the treasury for the use of this State, and that the said assessment shall be rated and levied in the mode prescribed by the amercement act, with respect to the amercement thereby imposed, and, where their estates have been sold, twelve per cent. shall be deducted from the amount of sales thereof; and that the Commissioners of Confiscated Estates shall be allowed a commission of two pounds per centum.

“And be it further enacted by the authority aforesaid, That all and every estate and estates, both real and personal, of the several persons whose names are mentioned in the list number two, hereunto annexed, where the same is not yet sold, shall be taken from, and divested out of the said commissioners and their heirs as aforesaid; and every such estate is hereby restored to, and revested in the several persons respectively mentioned in the said list number two, and to the heirs of each and every of them, in as full and ample a manner as hath been extended to the persons and their heirs comprehended in the list number one; and that all and every person and persons mentioned in said list number two be allowed and permitted to return to and reside in this State; and that they or any of them shall not be liable or subject to any amercement whatsoever; and every part, clause, matter, and thing in the said act contained, respecting the banishment of the said persons, and the disposal of their estates, where any such estate hath not been and is not already sold by the commissioners aforesaid for the use of this State, be, and the same is hereby, repealed.

“And be it further enacted by the authority aforesaid, That in all and every case wherein the estate of any of the said persons hath been sold by the said commissioners, and the purchaser shall be

unwilling to give up the purchase to such original proprietor, then it shall and may be lawful for the Commissioners of the Treasury, or the Commissioners of Forfeited Estates, and they are hereby authorized and required to pay on demand to every person, respectively, in the said lists number one, two, and three comprehended, all such indents and specie as they, the said treasurers and commissioners, have or may receive from the said purchasers. And in all and every case where such purchaser shall agree to give up his purchase to any original proprietor in the said three lists comprehended, (which proprietor shall be obliged to accept the said relinquishment,) then, in that case, the Commissioners of the Treasury and the Commissioners of Forfeited Estates, as the case may be, are hereby authorized and required to give up, and restore to every such purchaser his bond and other security given for the purchase: *Provided always*, That all and every person in the said lists numbers one, two, and three comprehended, shall be liable and subject to pay all commissions and charges which may be due to the Commissioners of Forfeited Estates, or others acting under their authority. And in any instance where the negroes or other property of any person hereby subject or liable to amercement hath been sold or taken, or moneys have been received by virtue of any law or public authority of this State, the price for which such negroes were sold, and the value of such other property and money received as aforesaid, shall be allowed in discount of their amercement, respectively.

“And be it further enacted by the authority aforesaid, That the several persons whose names are contained in the list number three, and all such on the list number one, who held military commissions at any time during the war, be disqualified from being elected Governor, Lieutenant Governor, member of the Privy Council, or of either branch of the Legislature, or of holding any office or place of trust within, or under the authority of, this State, for and during the term of seven years.

“And whereas several persons have applied to the Legislature to be relieved from the penalties of an act entitled ‘An act for amercing certain persons therein mentioned,’ whose petitions were referred to a committee of each branch of the Legislature :

“Be it therefore enacted by the authority aforesaid, That as much of the said act as respects the several persons favorably

reported on, in either House, shall be, and the same is hereby, repealed.

“And that the operation of the said act shall be suspended, as to the remainder of the said persons therein mentioned, until the end of the next meeting and sitting of the Legislature :

“*And be it further enacted by the authority aforesaid, That Nathaniel Russell, William Roach, James Wright, Peter Prow, and Andrew Keigler, be, and they are hereby, exempted from all pains, penalties, and forfeitures of an ordinance of the General Assembly passed the 17th day of March, 1783, entitled ‘An ordinance for the disposing of the estates of certain persons, subjects and adherents of the British Government,’ and for other purposes therein mentioned.’*”

In the same spirit of humanity, the Legislature afterwards (viz : the 19th March, 1785) passed a benevolent act, entitled, “*An act to afford a maintenance to the persons therein mentioned,*” and is as follows, viz :

“Whereas, it is but consistent with justice and humanity that a suitable maintenance should be made to the widows and orphans of the following persons, whose whole estates are under confiscation—

“*Be it therefore enacted by the honorable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the plantation or tract of land on Reaburn’s creek, containing two hundred acres, late the property of Andrew Cunningham, whereon he formerly lived, and not sold by the Commissioners of Forfeited Estates, shall be, and the same is hereby, vested in Margaret Cunningham (relict of the late Andrew Cunningham) and her children by the said Andrew Cunningham, now alive, their heirs and assigns forever.*

“*Be it enacted by the authority aforesaid, That all those two plantations or tracts of land, situated in the neighborhood of Ninety-Six, late the property of Culbert Anderson, containing in the whole four hundred and forty-one acres, and which were sold to Captain Richard Pollard, in July, 1783, but the terms of sale not complied with, shall be, and the same are hereby, vested in Mary Anderson (relict of the late Culbert Anderson) and her children by the said Culbert Anderson, now alive, their heirs and assigns forever ; she paying the surveyor’s fees and contingent charges on the sale.*

“Be it enacted by the authority aforesaid, That those two tenements or lots of ground, late the property of Edward Oats, situate in Colleton square, the one seventy-five feet front, and one hundred feet deep, the other thirty feet front and seventy-five feet deep, with eleven acres of land, more or less, on Daniel’s Island, shall be, and the same are hereby, vested in Elizabeth Oats (widow and relict of the said Edward Oats) and her children by the said Edward Oats, their heirs and assigns forever; she paying the expenses and contingent charges on the sale.

“Be it enacted by the authority aforesaid, That five hundred acres of any lands, late the property of William Guest, not sold by the Commissioners of Forfeited Estates, that Sarah Guest, wife of the said William Guest, shall choose, shall be, and the same is hereby, vested in the said Sarah Guest, and her children by the said William Guest, their heirs and assigns forever.

“And be it further enacted by the authority aforesaid, That all personal property under confiscation, not disposed of for public purposes, lately belonging to the said Andrew Cunningham, Culbert Anderson, William Guest, and Edward Oats, shall be, and the same is hereby, restored to and vested in the said Margaret Cunningham, Mary Anderson, Sarah Guest, and Elizabeth Oats, respectively, and their respective children: Provided always, That each estate, or parts of estate, so restored by this act, shall be subject to the payment of all just and bona fide debts that may be against such estate.

“In the Senate House, the 19th day of March, A. D. 1785, and in the ninth year of the independence of the United States of America.

“JOHN LLOYD,

President of the Senate.

“JOHN FAUCHEREAUD GRIMKE,

Speaker of H. of Representatives.”

On the 24th March, 1785, an act was passed whereby the estate which had been confiscated of Edward Fenwick was restored to and revested in him, and he permitted to remain twelve months in the State.

From these several acts, it is apparent that, although much severity was naturally to be expected, and would have been excusable in South Carolina, considering the manner in which she

had been treated; yet great regard to justice, and an uncommon degree of benevolence, humanity, and mercy, has marked her conduct towards her offending citizens. How it happened that the complainants have not experienced the good effects of this continued prevailing disposition, cannot easily be accounted for on any principles reputable to their characters. They seem to have forgotten that the fifth article of the treaty (the last clause only excepted, which has no relation to their complaint) contains no other stipulation than that Congress should *recommend* the several matters therein stipulated. Congress accordingly recommended them, and South Carolina complied with these recommendations to a great extent. That State was at liberty to comply or not to comply, in the whole or in part. She has shown much mercy, and is not responsible for not showing more. In that State, as in some others, there doubtless were some citizens to whom more mercy than they have received would have been injustice. Who the complainants are, or what they may be, their characters, or particular cases, does not appear from the list of grievances; nor has your Secretary any information respecting them.

They had permission, it seems, to go to Charleston. That was a matter of *favor*, not of right; after a certain time they were ordered to depart. All this may be true, and yet the treaty remain unviolated.

They say the purposes of their going there were frustrated by a suspension of the courts of justice. If so, it is evident that their business was not with the Legislature, but with the courts; and business with the latter, for the restitution or recovery of rights and property, may as well be transacted by attorney as in person.

If, after coming there, they were insulted and abused, the persons who treated them in that manner acted improperly; but insults and abuses are often of a kind of which the law takes no notice; and it is probable that those in question were of that kind, for the complainants do not allege the contrary; nor do they, in that respect, impute any blame to the Government, which they would doubtless have done if there had been room for it.

2d. That several British merchants, while Charleston was in possession of his Majesty's troops, accepted, in payment of debts, houses and lands, which, on the 4th July, 1776, were the property of persons whose estates were confiscated by an act passed 26th February, 1782, but which *retrospected* to the 4th July, 1776.

That these lands which, since July, 1776, had often been transferred, and actually belonged to *British merchants* when the act passed, were afterwards, viz: in June, 1784, sold by the Commissioners of Confiscated Estates, without any regard to the claims of these merchants founded on the 5th and 6th articles of the treaty.

Under this head, the first question that presents itself is, whether, or how far, it was right that the act of 26th February, 1782, should retrospect to 4th July, 1776?

The question may be discussed with more perspicuity by distinguishing between the *British* subjects and the offending *citizens*, who were the objects of this act.

This *first* violated no *allegiance* to the State, for they owed none. The act imputes no particular offences to them, but assigns general and national reasons for confiscating their property.

On the 4th July, 1776, all *British* subjects became aliens to the United States. Thenceforth, to the end of the war, they were not only aliens, but alien enemies. As such, they were during that period under legal disabilities either to acquire or convey lands in this country. On these principles, therefore, it was right and just that the act should consider all those lands to be still the lands of the *British* subjects in question, of which they were proprietors on the 4th July, 1776.

The next inquiry is, whether the like retrospect in the cases of offending *citizens* was justifiable?

On this point your Secretary thinks it not improper to observe, that if it shall appear that the complainants are not interested in, nor affected by, such retrospect, that then it is a matter which they, being foreigners, have no right to meddle with nor to complain of. By their own showing, it appears that the complainants are, and were, *British merchants*, (that is, *British subjects*,) who, during the war, when they were alien enemies, accepted grants of land lying in this country in payment for debts. No point is more indisputable or more clearly established, both by the law of this country and of England, than that alienation of land to an alien operates a forfeiture of it to the sovereign; and if such be the laws respecting alien friends, with how much greater force does it apply to alien enemies? It follows, then, that the *British merchants* in question, not being capable of purchasing and holding lands in this country, nothing passed to them by the said grants from their debtors. And if they

thereby acquired no right or title to the lands in contemplation, they can with no propriety complain of, or reprehend the Legislature of South Carolina for passing that or any other law respecting those lands.

As your Secretary considers this reasoning as being conclusive, he thinks it unnecessary to swell this report by any further remarks on the retrospect in this act.

There remains but one further question on this head, viz : Whether the 5th or 6th articles of the treaty contain any thing to validate the titles which these British merchants claim to have to these lands?

By the fifth article, it is agreed that all persons who may have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

The obvious meaning of which is, that all fair, lawful contracts touching lands to which the parties were at the time competent, shall continue in full force, and be executed in favor of innocent persons claiming the benefit thereof, notwithstanding the said lands may have been confiscated.

The article clearly relates to grants or contracts which, at the time they were made, were valid ; and not to grants or contracts which, at the time they were made, conveyed no rights to the grantees or contractees.

The article expressly removes impediments to the prosecution of just or legal rights ; and that idea excludes the supposition of its meaning to confer validity to claims not warranted by law, or to create rights which at no prior period had ever existence.

If, therefore, these British merchants never had, nor could have title to nor interest in these lands, by any grants made during the war, and subsequent to July, 1776, your Secretary cannot perceive the most distant reason for blaming the conduct of the commissioners in paying no respect to such fruitless grants.

As to the 6th article, it gives color to the complaint.

1. It provides that there shall be no *future* confiscation.

The confiscation in question was *prior* and not *future* to the treaty.

2. It forbids the *commencement* of prosecutions against any person *for the part he may have taken during the war.*

The sale of land long before vested in the State by confiscation, can with no more propriety be called a commencement of a prosecution than the leasing, or tilling, or fencing it can be.

3. It declares that no person shall *on that account* suffer any *future* loss in his person, liberty, or property.

If there was any loss in the present case, it arose from the confiscation that took place during the war, which, being in point of time *before* the treaty, cannot be easily construed to have been *posterior* or future to it.

Thus your Secretary has considered this complaint as resting on the facts and principles stated and assumed by the complainants, and he presumes that nothing further, then, need be added to manifest its futility. He cannot, however, dismiss it without remarking the want of candor observable in the statement of this complaint.

This complaint gives the reader to understand that the act retrospectively generally, and confiscated, without exception of cases, the lands which the persons who were the objects of it possessed on the 4th July, 1776.

The fact is otherwise, for that very act contains the following clause, viz :

"Be it further enacted by the authority aforesaid, That all real and personal property of which the persons named in the said lists were possessed, either by themselves or agents, on the 4th July, 1776, or at any time between that day and the 12th May, 1786, shall be held and deemed to be still theirs; unless the same was really and bona fide sold and conveyed for a valuable consideration of money paid, or secured to be paid, and actual possession given to the purchasers before the said 12th May without any secret trust or condition, and not with a view of eluding a forfeiture."

On the 16th March, 1783, an act was passed for amending the confiscation act, and in it there is a clause which enacts, "That where purchases have been made of the property of the banished persons *before the passing of the* confiscation act, by the persons who were then citizens of this or of the United States, and where such purchases have been actually paid for, or only part of the purchase money paid, such persons shall still retain the property so purchased : *Provided*, The same was made for a valuable consideration of money, to be paid without collusion or fraud," &c. The fact, then, really is, that the retrospect in question was so

narrowed and limited as to become perfectly consistent, not only with strict law and justice, but with the more delicate principles of equity and good conscience.

Lest an idea should be imbibed from this complaint that *bona fide* creditors lost their debts by this act of confiscation, it may be well to refer those who may not be well informed on the subject to the first enacting clause of the last-mentioned act, which provides "that the estates of persons mentioned on the list No. 1, specified in the said act, of those who left this country upon refusing to take the oath of allegiance, and also those who withdrew from their allegiance and went over to, and took up arms with, the enemy, in the year of our Lord 1779, shall be respectively liable to discharge the debts due by them, as the estates of those persons who are mentioned on the lists Nos. 1, 2, 3, 4, 5, and 6."

It further provides, that such debts, "when examined and certified by the auditor general, shall be allowed in purchase of any confiscated property, where the estates against which the debts shall be so certified are fully and clearly equal to the demands upon them; or, at the option of such creditors, they shall be paid proportionably out of the annual interest arising on the bonds given for the purchase of confiscated estates."

The act directs such demands to be brought in and liquidated by the 20th July next; but by a posterior act, passed 26th March, 1784, the term was extended to 26th March, 1785.

The list of grievances also contains a singular complaint respecting certain adjudications in Charleston; for it is not suggested that any act of the Legislature had been passed on the subject, viz:

"That the decisions of the board of police established under the King's government in Charleston, however equitable, have been set aside since the peace; British subjects have been deprived of their property purchased under its process, and cast in excessive damages and costs, for no other cause than having brought actions therein for the recovery of debts, even where the defendant had confessed judgment, and when both the plaintiff and defendant were British subjects."

If the complainants had particularized any one of these cases, by stating the nature of the case, the names of the parties, and by what court, and when it was tried and adjudged, more respect would have been due to their representation than it seems to merit in its present

form. Why these important particulars were omitted, can only be conjectured.

Your Secretary has no other information respecting these extraordinary facts, than what he derives from the list of grievances.

To him, however, it appears sufficient to observe, that the laws of nations afford an answer to this complaint, which ought, in the present state of it, to be satisfactory, viz: "as the administration of 'justice necessarily requires that every definitive sentence, regularly 'pronounced, be esteemed just, and executed as such, as soon as a 'cause in which foreigners find themselves interested has been 'decided in form, the sovereign of the defendants cannot hear their 'complaints."

To undertake to examine the justice of a definitive sentence, is to attack the jurisdiction of him who has passed it. The prince ought not then to interfere in the causes of his subjects in foreign countries, and to grant them his protection, excepting in the cases of a refusal of justice, palpable and evident injustice, a manifest violation of rules and form, or an odious distinction made to the prejudice of his subjects, or of foreigners in general.

Your Secretary having considered several matters alleged against South Carolina as violations of the 6th article, will now proceed to examine the remaining complaints of the like kind against New York; for South Carolina and New York are the only States against which such complaints are made.

It should be remembered that this article contains five express and positive stipulations, viz:

1. That there shall be no future confiscations made.
2. That there shall not be any prosecutions commenced against any, *for the part he may have taken during the war.*
3. That no person shall, *on that account*, suffer any future loss or damage, either in his person, liberty, or property.
4. That persons in confinement on such charges shall be set at liberty; and
5. That the prosecution so commenced shall be discontinued.

It is charged that the State of New York has violated this article; for that by an act "passed the 17th March, 1783, and confirmed 'by others in 1784 and 1785, those Americans who had abandoned 'their possessions in New York upon its capture by the British 'troops, and resided without the lines during the war, are enabled

“to bring actions of trespass for rents, &c., during their absence, against persons who had occupied their premises, whether under the authority or permission of the British commander or otherwise, and who, by this act, are precluded from pleading any *military order* whatsoever, in justification of their occupancy.”

It also authorizes “the sequestration of the estates of British subjects lying in that country, for their conduct during the war.”

This charge (the last article excepted) is not without foundation, as will appear from a perusal of this extraordinary act. It is as follows :

“An act for granting a more effectual relief in cases of certain Trespasses,” passed 17th March, 1783.

“Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any person or persons, who are or were inhabitants of this State, and who, by reason of the invasion of the enemy, left his, her, or their place or places of abode, and who have not voluntarily put themselves respectively into the power of the enemy since they respectively left their places of abode, his, her, or their heirs, executors, and administrators, to bring an action of trespass against any person or persons who may have occupied, injured, or destroyed his, her, or their estate, either real or personal, within the power of the enemy, or against any person or persons who shall have purchased or received any such goods or effects, or against his, her, or their heirs, executors, or administrators, in any court of record within this State having cognizance of the same ; in which action, if the same shall be brought against the person or persons who have occupied, injured, or destroyed, or purchased and received such real or personal estate as aforesaid, the defendant or defendants shall be held to bail ; and if any such action shall be brought in any inferior court within this State, the same shall be finally determined in such court, and every such action shall be considered as a transitory action.

“That no defendant or defendants shall be admitted to plead in justification any military order or command whatever, of the enemy, for such occupancy, injury, destruction, purchase, or receipt, nor to give the same in evidence on the general issue.”

Your Secretary has reason to believe that this is the first and only

act of the kind that ever was passed by any Legislature or sovereign. Neither the laws nor the practice of nations (as far as your Secretary has knowledge of them) afford any countenance or color to an opinion that, after a war has been terminated by a treaty of peace solemnly made and ratified, either of the late belligerent Powers, or their respective citizens, have a right to commence and prosecute actions at law against the soldiers, subjects, or adherents of the other, for damages by them done during the war, and in the course of invasions and hostilities, by military order.

Such an opinion appears to your Secretary to be so destitute of even resemblance to reason, that a particular exposition of its demerits would be an unnecessary, and, therefore, improper application of time and attention.

In a word, this act is, in his opinion, a direct violation of the treaty of peace, as well as of the acknowledged law of nations. But it is not true that this act does "authorize the sequestration of the estates of British subjects lying in this country, for their conduct during the war," as the list of grievances very improperly asserts.

It is said that this act was confirmed by others in 1784 and 1785, but they are not described, either by their titles or contents.

Your Secretary finds one passed the 12th May, 1784, entitled "An act to preserve the freedom and independence of this State, and for other purposes therein mentioned," which, in his opinion, is very exceptionable. It is as follows:

"Whereas, it is of great importance to the safety of a free Government, that persons holding principles inimical to the Constitution should not be admitted into offices or places of trust, whereby they might acquire an immediate influence in the direction of its councils: and whereas some of the citizens of this State, entertaining sentiments hostile to its independence, and have taken an active part in the late war, in opposition to the present Government, and it would be improper and dangerous that such persons should be suffered to hold or enjoy any such office or place of trust within this State.

"And whereas it is the duty of the Legislature to pursue every reasonable and proper measure to secure the Government from being disturbed and endangered—

"Be it therefore enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all and every person or persons,

natives or others, who being resident in this State, or any other of the United States, on the 9th day of July, in the year of our Lord 1776, and who have at any time since the said 9th day of July, in the year of our Lord 1776, accepted, received, held, or exercised any military commission or commissions whatever, by or under any authority derived from the King of Great Britain; and every person or persons, who, being resident within this State, or any other of the United States, as aforesaid, on the 9th day of July, 1776, aforesaid, who have owned or fitted out, or who have been concerned in fitting out, any privateer or privateers, or vessels of war, to cruise against or commit hostilities upon the vessels, property, and persons of any of the citizens of the United States, or against their allies; and every person or persons whatsoever, who, being resident in this State, or any other of the said United States, on the 9th day of July, in the year of our Lord 1776, aforesaid, who have served on board such privateers or vessels of war, in the condition or capacity of captain, lieutenant, or master; and also every person or persons, who, being resident in this State, or any other of the United States, on the 9th day of July, 1776, aforesaid, and who, since that time, have accepted, held, or exercised any office, commission, or appointment in the board or boards of police instituted and established in the southern district of this State during the late war, by virtue of, and under authority derived from the King of Great Britain; and also every person or persons whatsoever, who, being resident in this State, or any other of the United States, on the 9th day of July, in the year 1776, aforesaid, and who, since that time, have accepted, received, held, or exercised any office, commission, or appointment whatsoever in the Court of Admiralty, instituted and established in the southern district of this State during the late war, by virtue of authority derived from the King of Great Britain as aforesaid; and also, all and every person or persons whatsoever, who being resident in any of the United States, except this State, on the 9th day of July, 1776, aforesaid, and who at any time since that day, and during the late war, have fled or removed from such of the said States of which such person or persons were respectively resident on the 9th day of July, aforesaid, and who have gone over to, joined, or put himself or themselves under the power or protection of, the fleets or armies of the King of Great Britain aforesaid, and all and every person and persons who, being resident in this State on the

9th day of July, 1776, aforesaid, and who, since that day, have voluntarily gone over to, remained with, or joined the fleets and armies of the King of Great Britain aforesaid, at any time during the late war, who has or have left this State on or before the 10th day of December, in the year of our Lord 1783, and who have not returned, and who shall hereafter be found within this State; such person or persons so found shall be, on conviction thereof, adjudged guilty of misprision of treason.

“Provided always, That nothing in this act contained shall be taken or deemed to affect any person who, at the time of committing any of the offences aforesaid, was a minor, under sixteen years of age, or a person insane.

“And provided also, That it shall and may be lawful for any such person or persons, whose estates, respectively, may be attached by any law of this State, and advertisement made thereof agreeably to such laws, to come and remain within this State for so long a time as may be absolutely necessary to defend his, her, or their suit; anything in this act to the contrary thereof in any wise notwithstanding.

“And be it further enacted by the authority aforesaid, That all and every person or persons falling under any of the descriptions hereinbefore mentioned, and the descriptions mentioned in the twelfth section of the act entitled ‘An act to regulate elections within this State,’ passed the 27th day of March, 1788, and who has or have not left this State, are hereby forever disqualified and rendered incapable of holding, exercising, or enjoying any legislative, judicial, or executive office or place whatsoever within this State, and shall, and hereby is and are forever disqualified and incapacitated to elect or vote, either by ballot or *viva voce*, at any election, to fill any office or place whatsoever within this State. And if any person shall offer himself as an elector at any election hereafter to be holden, for an office or place within this State, and shall be suspected or charged to be within any of the descriptions aforesaid, it shall be lawful for the inspectors or superintendents (as the case may be) to inquire into and determine the fact whereof such person shall be suspected, or wherewith he shall be charged, as the cause of disqualification aforesaid, on the oath of one or more witness or witnesses, or on the oath of the party so suspected or charged, at their discretion; and, if such fact shall, in the judgment of the

inspectors or superintendents, be established, it shall be lawful for them, and they are hereby required, to reject the vote of such persons at such election: *Provided always*, That if it shall appear, to the satisfaction of the inspectors or superintendents, at any election, that any person offering himself as an elector has, during the late war, within the southern district, by fear or compulsion, accepted, held, or exercised any such office, commission, or appointment, or may have involuntarily done any act or acts which, by the said election, would have disqualified him from holding any office, or from being an elector, had the same been voluntarily done, and that such person otherwise has uniformly behaved as a friend to the freedom and independence of the United States, the inspector shall admit such person to give his vote at any such election, anything in this act to the contrary notwithstanding.

“Whereas, a very respectable number of citizens of this State, well attached to the freedom and independence thereof, have entreated the Legislature to extend mercy to persons hereinafter mentioned, and to restore them to their country:

“*Be it therefore enacted by the authority aforesaid*, That Gysbert Marselius, Henry Staats, John Stevenson, Henry Van Dyck, John Van Allen, Henry Van Schaack, David Van Schaack, Harman Pruyn, William Rea, Myndert Viele, William Lupton, Cadwallader Colden, Walter Dubois, Cornelius Luyster, Andrew Graham, John Thurman, Samuel Fowler, Joseph Mabbit, John Green, Dirck Van Vleet, Jost Garrison, John Booth, Rolef Elting, Solomon Elting, Richard Harrison, James Smith, and Benjamin Lapham, shall be, and every of them are, hereby permitted to return to and reside within this State, without any molestation, and therein to remain until the end of the next meeting of the Legislature, or until further legislative provision shall be made in the premises, anything in the act entitled ‘An act more effectually to prevent the mischiefs arising from the influence and example of persons of equivocal and suspected character in this State,’ passed the 30th day of June, 1778, to the contrary thereof in anywise notwithstanding.”

This intemperate act was passed after the treaty had been ratified by both nations, and most clearly violates the sixth article in various respects, too obvious and decided to require enumeration or discussion.

Your Secretary has reason to believe that there are some other acts not particularized in the list of grievances, which, on being compared with the treaty, would appear in some respects inconsistent with it; but as the principles applied by this report to the other acts will also apply to all of the like kind, he thinks the investigation may here be concluded with propriety.

From the foregoing review of the several acts complained of, it is manifest that the 4th and 6th articles of the treaty have been violated by certain of them.

The next inquiry in order seems to be, whether these violations can be justified or excused by any prior ones on the part of Britain.

There is no doubt but that Britain has violated the 7th article, which provides that his Britannic Majesty shall, with all convenient speed, and without causing any destruction or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets, from the said United States, and from every port, place, and harbor, within the same.

The violations of these articles alluded to are these, viz:

1. That, on the evacuation of New York, negroes belonging to American inhabitants were carried away.

2. That his Britannic Majesty's garrisons have not been withdrawn from, but still keep possession of, certain posts and places within the United States.

With respect to the negroes, it may be proper to distinguish them into *three* classes:

1. Such as in the course of the war were captured and disposed of as booty by the enemy.

2. Such as remained with and belonged to American inhabitants within the British lines.

3. Such as, confiding in proclamations and promises of freedom and protection, fled from their masters without, and were received and protected within, the British camps and lines.

The stipulation "not to carry away any negroes or other property of the American inhabitants" cannot, in the opinion of your Secretary, be construed to extend to and comprehend the *first* class.

By the laws of war, all goods and chattels captured and made booty, *flagrante bello*, become the property of the captors. Whether men can be so degraded as, under any circumstances, to be with propriety denominated goods and chattels, and, under that idea,

capable of becoming booty, is a question on which opinions are unfortunately various, even in countries professing Christianity and respect for the rights of mankind. Certain it is that our laws assert, and Britain, by this article, as well as by her practice, admits that man may have property in man. If so, it is as fair reasoning to conclude that this, like other moveable property, is capable of changing owners by capture in war. The article places "negroes and other property of the American inhabitants" on the same footing; so that if it means that captured negroes shall not be carried away, it must also mean that no other captured property shall be carried away; which would, in other words, amount to an agreement that the British fleet and army should leave behind all the booty then in this country which they had taken from American inhabitants at any period of the war.

It would be a task beyond the abilities of your Secretary to raise such a construction of the article, on any principles capable of supporting it.

As to the *second* class, to wit, such as belonged to, and remained with American inhabitants within the British lines: They seem clearly to be within the design and meaning of the article; for as the enemy had never taken them from their masters, nor treated them as booty, the property remained unchanged; and the like reasoning applies to all other negroes kept as slaves within their lines, and respecting whom the enemy had done no act which divested their masters of the property.

Your Secretary also thinks that the *third* class are clearly comprehended in the article, and for the same reasons, viz: because they still remained, as much as ever, the property of their masters. They could not, by merely flying or eloping, extinguish the right or title of their masters; nor was that title destroyed by their coming into the enemy's possession, for they were *received*, not taken by the enemy; they were received, not as slaves, but as friends and freemen. By no act, therefore, either of their owner or of their friends, was the right of their masters taken away; so that, being the property of American inhabitants, it was an infraction of the 7th article of the treaty to carry them away.

Whenever the conduct of nations or of individuals becomes the subject of investigation, truth and candor should direct the inquiry. The circumstances under which the last mentioned negroes were

carried away make a strong impression on the mind of your Secretary, and place that transaction before him in a point of view less unfavorable to Britain than it appears in to his countrymen in general. He is aware that he is about to say unpopular things, but higher motives than personal considerations press him to proceed.

If a war should take place between France and Algiers, and, in the course of it, France should invite the American slaves there to run away from their masters, and actually receive and protect them in their camp, what would Congress, and, indeed, the world, think and say of France, if, on making peace with Algiers, she should give up those American slaves to their former Algerine masters? Is there any other difference between the two cases than this, viz: that the American slaves at Algiers are *white* people, whereas the African slaves at New York were *black* people?

It may be said that these remarks are made out of season; for whether they be well or ill-founded, the fact is, that Britain expressly agreed to give them up, and therefore ought to have done it.

How far an obligation to do wrong may, consistent with morality, be so modified in the execution as to avoid doing injury, and yet do essential justice, merits consideration. By the agreement, Britain bound herself to do great wrong to these slaves, and yet, by not executing it, she would do great wrong to their masters. This was a painful dilemma; for as, on the one hand, she had invited, tempted, and assisted these slaves to escape from their masters, and, on escaping, had received and protected them, it would have been cruelly perfidious to have afterwards delivered them up to their former bondage, and to the severities to which such slaves are usually subjected; so, on the other hand, after contracting to leave these slaves to their masters, then to refuse to execute that contract, and, in the face of it, to carry them away, would have been highly inconsistent with justice and good faith.

But one way appears to your Secretary in which Britain could extricate herself from these embarrassments; that was, to keep faith with the slaves by carrying them away, and to do substantial justice to their masters by paying them the value of those slaves. In this way, neither could have just cause to complain; for, although no price can compensate a man for bondage for life, yet every master may be compensated for a runaway slave.

In the opinion, therefore, of your Secretary, Great Britain ought

to stand excused for having carried away these slaves, provided she pays the full value of them; and on this he thinks the United States may with great propriety and justice insist; indeed, there is an intimation in one of Mr. Adams's letters that the British Minister did not object to it.

But, however capable of palliation the conduct of Britain respecting these negroes may be, it unquestionably was an infraction of the 7th article.

It is equally clear that her continuing to hold the posts, from which, by that article, she agreed to withdraw her garrisons, is also a decided violation of the treaty.

It appears, then, that there are violations of the treaty justly chargeable on both parties; but as the present inquiry is, whether our violations can be justified by antecedent ones on the part of Britain, their respective dates must be ascertained.

It is but just to observe that Britain withdrew her fleet and army from New York before the treaty was ratified. She evacuated that place on the 25th November, 1783, and it was not until the next year that the treaty was ratified.

The first violation that (to the knowledge of your Secretary) we complain of happened when the British forces left New York; for they then carried away with them the negroes in question. So that the first violation on the part of Britain was on the 25th November, 1783.

The famous trespass act of New York was passed 17th March, 1783, and is still in force.

The act of Pennsylvania which impeded the recovery of British debts, was passed 12th March, 1783.

The ordinance of South Carolina for disposing of certain estates, &c., was passed 17th March, 1783.

All these acts were in force on and long after the day of the date of the treaty, viz: 3d September, 1783.

In whatever light, therefore, deviations from the treaty, prior to its final conclusion and ratification, may be viewed, it is certain that deviations on our part preceded any on the part of Britain; and, therefore, instead of being justified by them, afford excuse to them.

As to the detention of our posts, your Secretary thinks that Britain was not bound to surrender them until we had ratified the treaty.

Congress ratified it 14th January, 1784, and Britain on the 9th April following.

From that time to this the 4th and 6th articles of the treaty have been constantly violated on our part by legislative acts then and still existing and operating.

Under such circumstances, it is not a matter of surprise to your Secretary that the posts are detained; nor, in his opinion, would Britain be to blame in continuing to hold them, until America shall cease to impede her enjoying every essential right secured to her and her people and adherents by the treaty.

Your Secretary has heard another reason or excuse assigned to justify deviating from the 4th article, and restraining British creditors in the recovery of their debts, viz: that by giving time to the debtor, he became more able to pay the debt; and as that additional ability was a benefit to the creditor, the latter ought not to complain of the restraint which produced it.

Although this argument may be somewhat ingenious, it unfortunately proves too much. By the treaty a British creditor has a right to sue when he pleases; and by the common law a farmer has a right to plough when he pleases; a merchant to send out his vessels when he pleases; and every man to eat and drink when he pleases.

Admit that a British creditor would do better to delay his suits; that a farmer was about to plough in an improper season or manner; that a merchant had ordered his vessels to sea when a hurricane was expected; or that a certain gentleman injured his health by intemperance—admit these facts, would it thence follow that every or any good-natured officious man, who might think himself more judicious and prudent, has a right to hinder the creditor from suing, the farmer from ploughing, the merchant from despatching his vessels, or the *bon vivant* from indulging his appetite? Surely not.

In short, as your Secretary is uninformed of any facts or matters that can justify the violations on our part, the only question which seems to remain to be considered is, What is to be done? The United States in Congress assembled have neither committed nor approved of any violations of the treaty. To their conduct no exceptions are taken; but to their justice an appeal is made relative to the conduct of particular States. The United States, however, must eventually answer for the conduct of their respective members; and for that and other reasons suggested by the nature of their sovereignty and the Articles of Confederation, your Secretary thinks

they have good right to insist, and require that national faith and national treaties be kept and observed throughout the Union; for, otherwise, it would be in the power of a particular State, by injuries and infraction of treaties, to involve the whole Confederacy in difficulties and war.

In his opinion it would highly become the dignity of the United States to act on such occasions with the most scrupulous regard to justice and candor towards the injured nation, and with equal moderation and decision towards the delinquent State or States. In the present case, he thinks it would be proper to resolve, 1st. That the Legislatures of the several States cannot, of right, pass any act or acts for interpreting, explaining, or construing a national treaty, or any part or clause of it; nor for restraining, limiting, nor in any manner impeding, retarding, or counteracting the operation and execution of the same; for that, on being constitutionally made, ratified, and published, they become, in virtue of the Confederation, part of the law of the land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them. 2d. That all such acts, or parts of acts, as may be now existing in either of the States, repugnant to the treaty of peace, ought to be forthwith repealed, as well to prevent their continuing to operate as violations of that treaty, as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation. 3d. That it be recommended to the several States to make such repeal rather by describing than reciting the said acts; and for that purpose to pass an act declaring, in general terms, that all such acts and parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof shall be, and are thereby, repealed; and that the courts of law and equity, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same, anything in the said acts or parts of acts to the contrary thereof in anywise notwithstanding.

The two first of these proposed resolutions do not appear to your Secretary to require any comment.

He thinks the third would be expedient, for several reasons.

As it is general, and points to no particular State, it cannot wound the feelings of any.

The general law it recommends he thinks preferable to a minute enumeration of the exceptionable acts and clauses; because either omissions might accidentally be made in the enumeration, or questions might be agitated, and perhaps improperly determined, respecting this or that act or clause, which some may think exceptionable, and others not. By repealing in general terms, and obliterating all exceptionable acts and clauses, as it were by one stroke of the pen, the whole business will be turned over to its proper department, viz: the judicial; and the courts of law will find no difficulty in deciding whether any particular act or clause is or is not repugnant to the treaty. When it is considered that the judges in general are men of character and learning, that they stand in responsible situations, and feel as well as know the obligations of office and the value of reputation, there is reason to presume that their conduct and judgments relative to these, as well as other judicial matters, will be wise and upright.

Your Secretary also thinks that, in case these resolutions should be adopted, it would be proper that a circular letter from Congress should accompany copies of them to the States; but as the forming a draught or plan of such a letter seems not to belong to the Department of *Foreign Affairs*, he forbears to report one.

He is further of opinion that a copy of this report should be transmitted to the Minister Plenipotentiary of the United States at the Court of London, for his information; and that he be instructed candidly to admit that the 4th and 6th articles of the treaty have been violated in America, as well as the 7th has on the part of Great Britain; that he inform his Britannic Majesty that the United States are taking efficacious measures for removing all cause of complaint on their part. That he also be authorized to propose and conclude, in the name and behalf of the United States, a convention with his Majesty, whereby it shall be agreed that the value of the negroes, or other American property carried away contrary to the 7th article, be estimated by commissioners, and paid for; and that the said payment, together with a surrender of all the posts and places now held by his Majesty within the limits of the United States, shall be made within — months after all the acts and parts of acts existing in the several States, and which violate the treaty, are repealed, and due notice thereof given.

That he be also instructed to assure his Majesty that it will always

give pleasure to Congress fairly and candidly to discuss and accommodate every difference or complaint that may arise relative to the construction or the performance of the treaty. That they are determined to execute it with good faith ; and that as this is the only instance in which any complaints of that kind have ever come regularly before them, they flatter themselves that the frankness and candor of their conduct on this occasion will create in him the same confidence in the purity of their intentions which they repose in his assurance, "that whenever America shall manifest a real determination to fulfil her part of the treaty, Great Britain will not hesitate to coöperate in whatever points depend upon her for carrying every article into real and complete effect."

It might also be well to instruct Mr. Adams to endeavor to have an article inserted in the convention for the remission of the interest, or a portion of it, which became due on private contracts during the war ; but your Secretary apprehends, from the general and great impropriety of such interference with private contracts, that his endeavors would be fruitless. He also thinks it might be proper to instruct Mr. Adams to obtain, if possible, an article to fix the true construction of the declaration for ceasing hostilities, and stipulating that compensation be made for all captures contrary to it ; but he likewise fears that as this may be considered as a judicial question, and as the balance of the captures so circumstanced is in favor of Great Britain, her consent to such an article would not be easy to obtain.

It appears to your Secretary that this system ought to give perfect satisfaction to the Court of London, unless perhaps in one point, viz : that the individuals who have suffered by our violations are left without compensation for their losses and suffering.

Although strict justice requires that they who have wrongfully suffered should, as far as possible, receive retribution and compensation ; yet, as it would be very difficult, if practicable, to prevail on the States to adopt such a measure, he thinks it best to be silent about it, especially as the United States have neither the power nor the means of doing it without their concurrence.

Besides, as the detention of the posts has been, and continues injurious to the United States, the consequences of the respective violations may be set against each other ; and although the account may not be exactly balanced, yet it cannot be well expected that, in

affairs of such magnitude, the same regard can be had to minutiae as in transactions between individuals.

This report is on a subject no less new and singular than important. Your Secretary is not conscious of any errors in it, and yet there may be some. He hopes the facts are not mistaken or misstated. He believes his reasoning on them to be just; and he flatters himself whatever mistakes relative to either may be discovered, that they will be treated with candor, and ascribed neither to want of attention nor of care, but to that fallibility from which few, if any even of the wisest and most able, are wholly exempt.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Extract from the Secret Journal, March 21, 1787.

On the report of the Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 4th March, 1786, from Mr. J. Adams, Minister Plenipotentiary of the United States of America at the Court of London, together with the memorial of the said Minister, dated the 30th November, 1785, and presented by him on the 8th December following to his Britannic Majesty's Secretary of State, and the answer received by Mr. Adams to the said memorial, and contained in a letter from said Secretary of State, dated at St. James's, February 28th, 1786, and other papers accompanying the same—

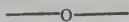
Congress unanimously agreed to the following resolutions:

Resolved, That the Legislatures of the several States cannot, of right, pass any act or acts for interpreting, explaining, or construing a national treaty, or any part or clause of it; nor for restraining, limiting, nor in any manner impeding, retarding, or counteracting the operation and execution of the same; for that, on being constitutionally made, ratified, and published, they become, in virtue of the Confederation, part of the law of the land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them.

Resolved, That all such acts, or parts of acts, as may be now existing in any of the States repugnant to the treaty of peace, ought to be forthwith repealed, as well to prevent their continuing to be

regarded as violations of that treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation.

Resolved, That it be recommended to the several States to make such repeal rather by describing than reciting the said acts; and for that purpose to pass an act declaring, in general terms, that all such acts, and parts of acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and thereby are, repealed; and that the courts of law and equity, in all causes and questions cognizable by them respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same, anything in the said acts or parts of acts to the contrary thereof in anywise notwithstanding.



DRAUGHT OF CIRCULAR LETTER TO THE GOVERNORS OF STATES.

Office for Foreign Affairs, April 6, 1787.

The Secretary of the United States for the Department of Foreign Affairs, in pursuance of the order of Congress directing him to report the draught of a letter to the States, to accompany the resolutions in his report of 13th October last, on a letter of 4th March, 1786, from the Honorable John Adams, Esq., reports the following, viz:

To his Excellency the Governor of ———:

Sir,

Our Secretary for Foreign Affairs has transmitted to you copies of a letter to him from our Minister at the Court of London, of the 4th day of March, 1786, and of the papers mentioned to have been enclosed with it.

We have deliberately and dispassionately examined and considered the several facts and matters urged by Britain as infractions of the treaty of peace on the part of America; and we regret that in some of the States too little attention appears to have been paid to the public faith pledged by that treaty.

Not only the obvious dictates of religion, morality, and national honor, but also the first principles of good policy, demand a candid

and punctual compliance with engagements constitutionally and fairly made.

Our national Constitution having committed to us the management of the national concerns with foreign States and Powers, it is our duty to take care that all the rights which they ought to enjoy within our jurisdiction, by the laws of nations and the faith of treaties remain inviolate; and it is also our duty to provide that the essential interests and peace of the whole Confederacy be not impaired or endangered by deviations from the line of public faith, into which any of its members may, from whatever cause, be unadvisedly drawn.

Let it be remembered that the thirteen independent sovereign States have, by express delegation of power, formed and vested in us a general though limited sovereignty, for the general and national purposes specified in the Confederation. In this sovereignty they cannot severally participate, (except by their delegates,) nor with it have concurrent jurisdiction; for the ninth article of the Confederation most expressly conveys to us the sole and *exclusive* right and power of determining on *war* and *peace*, and of entering into treaties and alliances, &c.

When, therefore, a treaty is constitutionally made, ratified, and published by us, it immediately becomes binding on the whole nation, and superadded to the laws of the land, without the intervention or fiat of State Legislatures. Treaties derive their obligation from being compacts between the sovereign of this and the sovereign of another nation, whereas laws or statutes derive their force from being acts of a Legislature competent to the passing of them. Hence it is clear that treaties must be implicitly received and observed by every member of the nation; for as State Legislatures are not competent to the making of such compacts or treaties, so neither are they competent, in that capacity, authoritatively to decide on or ascertain the construction and sense of them. When doubts arise respecting the construction of State law, it is not unusual nor improper for the State Legislatures, by explanatory or declaratory acts, to remove those doubts. But the case between laws and compacts or treaties is in this widely different; for when doubts arise respecting the sense and meaning of a treaty, they are so far from being cognizable by a State Legislature, that the United States, in Congress assembled, have no authority to settle and determine

them; for as the Legislature only, which constitutionally passes a law, has power to revise and amend it, so the sovereigns only, who are parties to the treaty, have power, by mutual consent and posterior articles, to correct or explain it.

In cases between individuals, all doubts respecting the meaning of a treaty, like all doubts respecting the meaning of the law, are, in the first instance, mere judicial questions, and are to be heard and decided in the courts of justice having cognizance of the causes in which they arise, and whose duty it is to determine them according to the rules and maxims established by the laws of nations for the interpretation of treaties. From these principles it follows, of necessary consequence, that no individual State has a right, by legislative acts, to decide and point out the sense in which their particular citizens and courts shall understand this or that article of a treaty.

It is evident that a contrary doctrine would not only militate against the common and established maxims and ideas relative to this subject, but would prove no less ludicrous in practice than it is irrational in theory; for, in that case, the same article of the same treaty might by law be made to mean one thing in New Hampshire, another thing in New York, and neither the one nor the other in Georgia.

How far such legislative acts would be valid and obligatory, even within the limits of the State passing them, is a question which we hope never to have occasion to discuss. Certain, however, it is, that such acts cannot bind either of the contracting sovereigns, and, consequently, cannot be obligatory on their respective nations.

But if treaties and every article in them be (as they are and ought to be) binding on the whole nation; if individual States have no right to accept some articles, and reject others; and if the impropriety of State acts to interpret and decide the sense and construction of them be apparent, still more manifest must be the impropriety of State acts to control, delay, or modify the operation and execution of their national compacts.

When it is considered that the several States, assembled by their delegates in Congress, have express power to form treaties, surely the treaties so formed are not afterwards to be subject to such alterations as this or that State Legislature may think expedient to make, and that, too, without the consent of either of the parties to it; that is, in the present case, without the consent of all the United States,

who, collectively, are parties to this treaty on the one side, and Britannic Majesty on the other. Were the Legislatures to possess and to exercise such power, we should soon be involved, as a nation in anarchy and confusion at home, and in disputes which would probably terminate in hostilities and war with the nations with whom we may have formed treaties. Instances would then be frequent of treaties fully executed in one State, and partly executed in another, and of the same article being executed in one manner in one State and in a different manner, or not at all, in another State. History furnishes no precedent of such liberties taken with treaties, under any form of law, in any nation.

Contracts between nations, like contracts between individuals, should be faithfully executed, even though the sword, in the one case, and the law in the other, did not compel it. Honest nations, like honest men, require no constraint to do justice; and though impunity and the necessity of affairs may sometimes afford temptations to pare down contracts to the measure of convenience, yet this is never done but at the expense of that esteem, and confidence and credit, which are of infinitely more worth than all the momentary advantages which such expedients can extort.

But although contracting nations cannot, like individuals, avail themselves of courts of justice to compel performances of contracts, yet an appeal to Heaven and to arms is always in their power, and often in their inclination. But it is their duty to take care that they never lead their people to make and support such appeals, unless the sincerity and propriety of their conduct affords them good reason to rely with confidence on the justice and protection of Heaven.

Thus much we think it useful to observe, in order to explain the principles on which we have unanimously come to the following resolution, viz:

“*Resolved*, That the Legislatures of the several States cannot, of right, pass any act or acts for interpreting, explaining, or construing a national treaty, or any part or clause of it; nor for restraining, limiting, or in any manner impeding, retarding, or counteracting the operation and execution of the same; for that, once being constitutionally made, ratified, and published, they become, in virtue of the Confederation, part of the law of the land, and are not only independent of the will and power of such Legislatures, but also binding and obligatory on them.”

As the treaty of peace, so far as it respects the matters and things provided for in it, is a law to the United States, which cannot, by all or any of them, be altered or changed, all State acts establishing provisions relative to the same objects, which are incompatible with it, must, in every point of view, be improper. Such acts do, nevertheless, exist; but we do not think it necessary either to enumerate them particularly, or to make them severally the subjects of discussion. It appears to us sufficient to observe and insist that the treaty ought to have free course in its operation and execution, and that all obstacles interposed by State acts be removed. We mean to act with the most scrupulous regard to justice and candor towards Great Britain, and with an equal degree of delicacy, moderation, and decision towards the States who have given occasion to these discussions.

For these reasons, we have in general terms—

“*Resolved*, That all such acts, or parts of acts as may be now existing in any of the States, repugnant to the treaty of peace, ought to be forthwith repealed, as well to prevent their continuing to be regarded as violations of that treaty as to avoid the disagreeable necessity there might otherwise be of raising and discussing questions touching their validity and obligation.”

Although this resolution applies strictly only to such of the States as have passed the exceptionable acts alluded to, yet, to obviate all future disputes and questions, as well as to remove those which now exist, we think it best that every State, without exception, should pass a law on the subject; we have, therefore,

“*Resolved*, That it be recommended to the several States to make such repeal rather by describing than reciting the said acts, and for that purpose to pass an act, declaring, in general terms, that all such acts and parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and thereby are, repealed; and that the courts of law and equity, in all causes and questions cognizable by them, respectively, and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in anywise notwithstanding.”

Such laws would answer every purpose, and be easily formed. The more they were of the like tenor throughout the States the better. They might each recite that,

“Whereas certain laws and statutes made and passed in some of
 ‘the United States are regarded and complained of as repugnant to
 ‘the treaty of peace with Great Britain, by reason whereof not only
 ‘the good faith of the United States, pledged by that treaty, has been
 ‘drawn into question, but their essential interests under that treaty
 ‘greatly affected; and whereas justice to Great Britain, as well as
 ‘regard to the honor and interests of the United States, requires that
 ‘the said treaty be faithfully executed, and that all obstacles thereto,
 ‘and particularly such as do, or may be construed to proceed from
 ‘the laws of the State, be effectually removed: Therefore,

“*Be it enacted by ————, and it is hereby enacted by the*
 ‘*authority of the same,* That such of the acts, or parts of acts of the
 ‘Legislature of this State as are repugnant to the treaty of peace
 ‘between the United States and his Britannic Majesty, or any
 ‘article thereof, shall be, and hereby are, repealed; and further that
 ‘the courts of law and equity within this State be, and they hereby
 ‘are, directed and required, in all causes and questions cognizable
 ‘by them respectively, and arising from or touching the said treaty,
 ‘to decide and adjudge according to the tenor, true intent, and
 ‘meaning of the same, any thing in the said acts or parts of acts to
 ‘the contrary thereof in anywise notwithstanding.”

Such a general law would, we think, be preferable to one that should minutely enumerate the acts and clauses intended to be repealed, because omissions might accidentally be made in the enumeration, or questions might arise, and perhaps not be satisfactorily determined, respecting particular acts or clauses about which contrary opinions may be entertained. By repealing in general terms all acts and clauses repugnant to the treaty, the business will be turned over to its proper department, viz: the judicial; and the courts of law will find no difficulty in deciding whether any particular act or clause is or is not contrary to the treaty. Besides, when it is considered that the judges in general are men of character and learning, and feel as well as know the obligations of office and the value of reputation, there is no reason to doubt that their conduct and judgments relative to these, as well as other judicial matters, will be wise and upright.

Be pleased, sir, to lay this letter before the Legislature of your State without delay. We flatter ourselves they will concur with us in opinion that candor and justice are as necessary to true policy as they are to sound morality; and that the most honorable way of

delivering ourselves from the embarrassment of mistakes is fairly to correct and amend them. It certainly is time that all doubts respecting the public faith be removed, and that all questions and differences between us and Great Britain be amicably and finally settled. The States are informed of the reasons why his Britannic Majesty still continues to occupy the frontier posts, which by the treaty he agreed to evacuate; and we have the strongest assurances that an exact compliance with the treaty on our part shall be followed by a punctual performance of it on the part of Great Britain.

It is important that the several Legislatures should, as soon as possible, take these matters into consideration; and we request the favor of you to transmit to us an authenticated copy of such acts and proceedings of the Legislature of your State as may take place on the subject and in pursuance of this letter.

By order of Congress,

_____, *President.*

All which is submitted to the wisdom of Congress.

JOHN JAY.

Extract from the Secret Journal, April 13, 1787.

The Secretary for Foreign Affairs having, in pursuance of an order of Congress, reported the draught of a letter to the States, to accompany the resolutions passed the 21st day of March, 1787, the same was taken into consideration, and unanimously agreed to, as follows:

Office for Foreign Affairs, April 23, 1787.

The Secretary of the United States for the Department of Foreign Affairs, in obedience to the order of Congress directing him to report instructions to their Minister Plenipotentiary at the Court of London on the subject of his letter of 4th March, 1786, and of the papers which accompanied it, reports the following:

Resolved, That the Minister of the United States at the Court of Great Britain be, and he hereby is, instructed to inform his Britannic Majesty that Congress do candidly admit that the 4th and 6th articles of the treaty of peace have been violated in America, and that they consider the 7th article as having been violated on the part of Great Britain. That he do also inform his Britannic Majesty that

Congress are taking effectual measures for removing all cause of complaint on their part, and that he communicate to his Majesty their resolutions of the 21st day of March last, together with their circular letter to the States of the 13th day of April instant.

Resolved, That the said Minister be, and he hereby is, authorized and directed, in the name and behalf of the United States, to propose and conclude a convention with his Majesty, whereby it shall be agreed that the value of the slaves or other American property carried away contrary to the 7th article, be estimated by commissioners, and paid for; and that the said payment, together with a surrender of all the posts and places now held by his Majesty within the limits of the United States, shall be made within — months after the several States shall each have passed such a law for repealing all the acts or parts of acts existing in the same, and repugnant to the said treaty, as is specified in the circular letter abovementioned; which — months shall be computed from the time that formal notice of all the States having passed such laws shall be duly given to his Britannic Majesty.

Resolved, That the said Minister be, and he hereby is, further instructed to assure his Majesty that it will always give pleasure to Congress fairly and candidly to discuss and accommodate every difference and complaint that may arise relative to the construction or to the performance of the treaty. That they are determined to execute it with good faith; and that, as this is the only instance in which any complaints of that kind have ever come regularly before them, they flatter themselves that the frankness and candor of their conduct on this occasion will create in him the same confidence in the purity of their intentions which they repose in his assurances. “That whenever America shall manifest a real determination to fulfil her part of the treaty, Great Britain will not hesitate to coöperate in whatever points depend upon her for carrying every article into real and complete effect.”

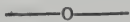
Resolved, That the said Minister be, and he hereby is, further instructed to endeavor to have an article inserted in the convention for the remission of the interest, or a portion of it, which accrued on private contracts during the war; and that he also endeavor to obtain an article to fix the true construction of the declaration for ceasing hostilities, and to stipulate that compensation be made for all captures contrary to it.

And to the end that the said Ministry may have the more ample information on the several subjects,

Ordered, That a copy of the report of the Secretary for Foreign Affairs on his said letter be transmitted to him, by means of some proper and confidential person that may be going from hence to London.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM JOHN JAY TO JOHN ADAMS.

New York, June 6, 1786.

Dear Sir,

My last to you was dated the 4th ultimo; since which I have been honored with several from you, viz: two dated 24th November last, 9th, 16th, 17th, 20th, 22d, 26th, and 27th February, and 4th March last; all of which, with their several enclosures, were immediately laid before Congress.

I have at length the pleasure of informing you that nine States begin to be frequent in Congress, and, consequently, that there is a prospect of my being soon enabled to send you some despatches of more importance than many of my late ones have been.

It will not be long before a good private opportunity will offer, and then I mean to write you at least a long private letter, if not a public one.

You will find, herewith enclosed, a ratification of the Prussian treaty, which for many months was delayed for want of a proper number of States in Congress to order and complete it.

There are several of my reports on your letters before Congress; and I assure you these delays are as painful to me as they can be to you.

Our country has yet much to think of, and much to decide on. A natural but improper rage for paper money prevails. Rhode Island, New York, and New Jersey are making experiments upon it, and I think injuring themselves and the Union, in some measure, by it. The next London ships shall carry you some journals and acts of Assembly, which, by the packet, would cost more postage than they are worth.

I doubt the propriety of borrowing more money, without funds or prospect to repay any. Our Treasury is low, the States backward, our people intent on private gain, and too inattentive to national concerns and exigencies.

With great and sincere esteem, &c.,

JOHN JAY.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, May 16, 1786.

Dear Sir,

Last night I was honored with your letter of April 7th, and am happy to find that twelve States have granted to Congress the impost. New York, I am persuaded, will not long withhold her assent, because that, in addition to all the other arguments in favor of the measure, she will have to consider that all the blame of consequences must now rest upon her; and she would find this alone a greater burden than the imposts. This measure alone, as soon as it is completed, will have a great effect, and instantly raise the United States in the consideration of Europe, and especially of England. Its beneficial effects will be soon felt in America by producing a circulation of that property, the long stagnation of which has been a principal cause of the distress of the community. The States, jointly and severally, would find immediate benefits from establishing taxes to pay the whole interest of their debts, those of the Confederation as well as those of particular States. The interest of money would instantly be lowered, and capitals be employed in manufactures and commerce that are now at usury. It is no paradox to say that every man would find himself the richer the more taxes he pays; and this rule must hold good until the taxes shall amount to a sum sufficient to discharge the interest due to every creditor in the community. The power to regulate the commerce of the whole will not probably be long withheld from Congress; and when that point shall be agreed to, you will begin to hear a bray in England for a treaty. Like Daniel Defoe's game-cock among the horses' feet, it will be, "Pray, gentlemen, don't let us tread upon one another."

You have, I hope, before now, Lord Caermarthen's answer of February 28th to my memorial of November 30th. I had determ-

ined in my own mind not “to demand a categorical answer, without the further orders of Congress;” and it is a great satisfaction to find your opinion coincides. It is now with Congress to deliberate what answer they should make to his Lordship; and, for my own part, I do not see what answer they can give, until they know the sense of Massachusetts, New York, Virginia, and South Carolina.

With the highest regard, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, May 25, 1786.

Dear Sir,

I have not presented a formal memorial in the name of our sovereign, concerning the negroes carried off contrary to the treaty, although it has been frequently and constantly insisted upon with the British Ministry, for several reasons; one was, a desire to confine the first memorial to one point—the frontier posts, that the real motives and intentions of the Cabinet might be the more distinctly laid open to Congress. Another reason was the frankness of Ministers to own, in conversation, that the negroes must be paid for, as a clear point. Another was, that time might be allowed to you, sir, to transmit me the whole amount and evidence of the claim; and, lastly, that I might have the explicit instructions of Congress to demand payment for the negroes in money, and especially at what prices they should be stated.

By the answer of Lord Caermarthen to the memorial of the 30th of November, Congress will see that the detention of the posts is attempted to be justified by the laws of certain States impeding the course of law for the recovery of old debts, &c. Were another memorial to be now presented relative to the negroes, the same answer would undoubtedly be given, or, more probably, a reference only to that answer.

It is my duty to be explicit with my country; and, therefore, I hope it will not be taken amiss by any of my fellow-citizens, when they are told that it is in vain to expect the evacuation of posts, or payment for the negroes, or a treaty of commerce, or restoration of prizes, payment of the Maryland or Rhode Island demand, compensation to the Boston merchants, or any other relief of any kind,

until these laws are all repealed. Nor will the Ministry ever agree to any explanation concerning the interest during the war, or payments by instalments. The old creditors have formed themselves into a society, and have frequent meetings; send committees to Mr. Pitt and Lord Caermarthen; and, I am well informed, oppose even a treaty of commerce upon this ground; and the Ministers know them to be so numerous, that they could raise a clamor—a consideration which has always had more weight at this Court and in Parliament than the interest of America or the British Empire.

What, then, is to be done? The States, it may be said, will not repeal their laws. If they do not, then let them give up all expectation from this Court and country, unless you can force them to do as you please by investing Congress with full power to regulate the trade.

I will run the hazard, sir, of all the clamor that can be raised against me by my friends or by my enemies, (if any such there are,) and of all the consequences that can befall me, for writing my sentiments freely to Congress, on a subject of this importance. It will appear to all the world with an ill grace if we complain of breaches of the treaty, when the British Court have it in their power to prove upon us breaches of the same treaty of greater importance. My advice, then, if it is not impertinent to give it, is, that every law of every State, which concerns either debts or royalists, which can be impartially construed contrary to the spirit of the treaty of peace, be immediately repealed, and the debtors left to settle with their creditors or dispute the point of interest at law. I do not believe a jury would give the interest. I beg leave to suggest another thing: if Congress are themselves clear that interest during the war was not part of that *bona fide* debt which was intended by the contracting parties, they may declare so by a resolution; or the Legislatures of the separate States may declare so; and then the courts of justice and the juries will certainly give no interest during the war. But even in this case, those States which have few debts, and have made no laws against the recovery of them, will think it hard that they should be subjected to dangers by the conduct of such as have many, and have made laws inconsistent with the treaty, both respecting debts and Tories. You will give me leave, sir, to suggest another idea. Suppose the States should venture to do themselves justice; for example, suppose Maryland should undertake to pay herself for her

bank stock and negroes carried off after the treaty, by accepting security for it from her own citizens who are debtors to British subjects, and giving discharges to those debtors, or engaging to stand between them and the claims of the creditor; suppose the Carolinas, Virginia, and all the other States which had negroes carried off after the peace, should do the same. Suppose Massachusetts should make up the losses of the inhabitants of Boston, in goods carried off by General Howe, in the same way, (at least those of them who were promised compensation by General Howe,) for these are undoubtedly creditors of the British Government. Suppose further, that each State should undertake, in the same way, to compensate the owners of vessels taken after the commencement of the armistice.

I throw out these hints as possibilities and speculations only, sensible that they might open a door to much altercation; but I will not fail to add, that I think it would be much sounder policy and nobler spirit to repeal at once every law of every State which is in the smallest degree inconsistent with the treaty, respecting either debts or Tories, and am well persuaded that no inconvenience would be felt from it; neither lawsuits, nor bankruptcies, nor imprisonments, would be increased by it; on the contrary, the credit and commerce of all the States would be so increased that the debtors themselves, in general, would find their burdens lighter.

With great esteem, &c.,

JOHN ADAMS.

P. S. Enclosed are two acts of Parliament and the King's last proclamation. The other acts which affect America shall be sent as soon as they are passed, and I can obtain them.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, May 28, 1786.

Dear Sir,

An agent from South America was not long since arrested at Rouen, in France, and has not since been heard of. Another agent, who was his associate, as I have been told, is here, and has applied to Government for aid. Government, not being in a condition to go to war with Spain, declines having any thing to do with the business. But if application should be made to rich individuals, and profitable prices offered for twenty or thirty thousand stands of arms, a number of field-pieces, a few battering cannon, some mortars, a good deal

of ammunition, clothing, &c., do you think that in this capital of mammon they might not be obtained? I might mention names and facts which have been communicated to me, but my information is not official, nor authentic enough for this. It is sufficient to say that an office like that once undertaken by Mr. Beaumarchais would not probably be refused by all men here.

You are probably better informed than I can pretend to be of the disturbances which took place in the Spanish provinces of South America during the late war, of the pacification of them, and of the complaints and discontents which now prevail. It is a fixed opinion in many minds here that a revolution in South America would be agreeable to the United States, and it is depended on that we shall do nothing to prevent it, if we do not exert ourselves to promote it. I shall decline entering far into this speculation, which is out of my depth. But I must venture to say, that Portugal is bound, by a treaty of 1778, to assist Spain in such a case. France must assist her, from the family compact, and for a still more weighty reason, viz: to prevent England from getting too rich and powerful by it; and Holland is now bound by treaty to France, and perhaps to Spain. We should be very cautious what we do; for England will certainly reap the greatest advantage, as she will supply with her manufactures all South America, which will give her a sudden wealth and power that will be very dangerous to us.

That British Ambassadors will very soon endeavor to excite the two empires and Denmark to an alliance, for the purpose of setting the Spanish and Portuguese colonies free, is very probable; as an inducement, they may agree to assist in opening the Danube and the navigation by the Dardanelles. The object of the next war, I think, will be the liberty of commerce in South America and the East Indies. We shall be puzzled to keep out of it; but I think we ought if we can. England would gain the most by such a turn in affairs, by the advantages she has over other nations in the improvements of her manufactures, commerce, and marine; and England, unfortunately, we cannot trust.

Such speculations as these are not new; a pamphlet was written in 1783, under the title of "*La Crise de l'Europe*," by a learned British knight, and circulated upon the continent. As I cannot send you the whole, you may possess yourself of the spirit of it by a few extracts.

[Translation.]

“What ought to be the object which the different States of Europe have in view, and what plan ought they to form to restrain the ambition of the Bourbons, to preserve, in America as well as in Europe, the balance of power, and to afford an opportunity to the armed neutrality to maintain the just and generous system, in the preservation of which she finds herself personally interested. The plan was not difficult to find; it was, in two words, to *free the different European colonies in America from the commercial restraints imposed on them by the different Powers to whom they are at present subject.*

“It is not necessary to show the advantages which all the States of Europe would reap, and, in the issue, those very Powers from whom the Colonies should be emancipated, were it possible that this important revolution could have effect with respect to the most precious and richest provinces in the world. My heart leaps to think that we may one day see the Powers of Russia, Denmark, Sweden, Austria, Holland, Prussia, Great Britain, land without restrictions on the coasts of Chili and Peru, when proud monopolists can no longer prevent them from exchanging the productions of Europe for the treasures of America. My heart leaps to think that every State will be certain of procuring all the necessities and pleasures of life, in the proportion to the fertility of its soil and the industry of its inhabitants. What discoveries have we not reason to expect? What talents shall we not see displayed? To what degree of perfection will not every art, every science be carried, should so vast a field be opened to the activity of the human race? The soul of the friend of mankind feels itself overwhelmed with the grandeur and importance of the ideas which offer themselves to its view, when it figures to itself for an instant the human race united by a mutual interest, and compelled by the ties which bind the communication of commerce to advance the general happiness of mankind. It is needless to stop to prove that such a plan can be executed with little difficulty and expense. Great Britain would certainly be blind to her interests, and have lost all sense to foresight, if she would not exert her utmost strength to carry this plan into execution,” &c.

“Who can suppose that Holland would refuse to enter into a confederation whose principles would so particularly favor the extension of her commerce and power?

“Moreover, the new States of North America would not fail to rejoice in an event which would afford them an opportunity of repairing with rapidity the loss of treasure and blood which they so generously lavished in their noble efforts to acquire independence.

“Suppose, then, on the one side, the strict union of such a confederation, whose object should be the general emancipation of the Colonies; France and Spain in the opposite scale against this confederation. Who can doubt but that one campaign would be sufficient to obtain the end which this league should propose? The English fleet is already equal, in the number and strength of its ships, to the fleets of the house of Bourbon. If, then, the armed neutrality, comprehending Holland, should join the forces of England with fifty sail of the line, which might be very easily done, there is no French or Spanish colony which would not be reduced to obedience in the space of six months. The West India Islands, in particular, could make but little resistance; and as to Spanish America, so great benefit would result to these provinces from the suggested project of emancipating the Colonies that, far from fearing their opposition or resistance, we might reasonably reckon on their concurrence,” &c.

“The aim of this object should be, to abolish all those restrictions on commerce to which the European colonies on the continent of America are at this time subject; to give entire liberty to these colonies; to establish among them the kind of government which would best suit the characters and genius of their inhabitants; and to make such a division of the islands of America among the Powers who should assist in the system as would defray their respective expenses, provided that the execution of this system should lead them into extraordinary expenses,” &c.

“Holland must be assisted in disengaging herself from the impolitic union in which she is at present connected with France, by procuring an army capable to protect her against the invasions of this monarch, and, in case of necessity, even to attack the provinces of France.

“Who does not see that, with little persuasion, the Emperor, that friend of humanity, might be engaged to coöperate in the execution of a plan conformable to his noble and generous disposition?

“The confederates should solemnly engage not to invade, on their own account, any of the possessions nor any of the provinces of

South America; contenting themselves with forcing Spain and her allies to withdraw their fleets and armies from this continent, to demolish the fortifications they have erected there, and to leave the natives at full liberty to adopt such form of government as they may judge most suitable to them.

“Finally, as the expenses which the execution of this might occasion appear to authorize some compensation, it is once more proposed to divide the islands of the American Archipelago between the different Powers, promoters of the execution of this plan. The island of Cuba should be given to Russia; Martinico, to Denmark; Guadaloupe, to Sweden; Porto Rico, to Prussia; Spanish Hispaniola, to the Dutch; French Hispaniola, to the Emperor; and the remaining islands, to Great Britain. And, supposing that this plan could be executed with little expense, it would doubtless be more conformable to the generous principles of the league to grant independence also to these islands. They might form a republic among themselves, under a Government whose residence should be established in some one of them; while the confederated Powers of Europe should establish themselves guarantees of their commerce and politics.

“This plan offers a very beneficial system to the Powers interested in the armed neutrality, and even to mankind.

“Even France and Spain would have no reason to complain of such a confederation,” &c.

“As to Spain, there is a greater reason to be astonished that the indignation and resentment of Europe has not long ago broke out against these proud monopolists, and mankind renounced all sensibility, when it suffered the most fertile and richest provinces in the world to be so long subjected to this hard and detestable Power. What nation but what ought to feel an indignation at thinking on the arrogant pretensions of a single monarchy, which claims the power of possessing so great an extent of country, and preventing any other European State from approaching its borders? Were it not for her oppression and bad government, how many millions of new inhabitants would we not now see prospering in those distant regions, and what benefits would not Europe derive from her communication with these people? The time, then, is not far distant when this tyrannical system of oppression shall be forever abolished, by allowing these unhappy colonies to partake at last of a little liberty and happiness.

“Can we neglect to awaken the attention of Europe towards the indignant treatment which Great Britain has experienced from her enemies?” &c. “Had the independence of America been the only object, their proceedings might have been colored with the appearance of generosity! But what kind of connexion could the possession of Gibraltar, Minorca, Granada, Tobago, and St. Vincent’s, have with the independence of this continent?”

“Great Britain is accused with having manifested a proud conduct with respect to her neighbors. Were there foundations for this reproach, she has since received too many lessons of humility. But can Europe forget, on the other hand, the different services which almost every one of these Powers has received from the inhabitants of this island—Russia, the brave Frederick, and the Emperor of Germany? And how can we support the idea that there should be in Europe men so insensible to the calamities of their fellow-creatures, so blind to their own interests, as to suffer such a Power to be crushed by an ambitious family, and that States, already sufficiently powerful, should aggrandize themselves with her spoils?”

Such are the secret thoughts of many in this country, but not a word or hint escapes in conversation. They are sent to you because they afford a clew for the whole political conduct of Great Britain in future, and for the present, too; for it is impossible otherwise to account for the inattention of this country to the commerce and friendship of the United States of America; they are keeping up their navy, and sacrificing everything to seamen, in order to be able to strike a sudden and awful blow to the house of Bourbon, by setting South America free; and they rely upon it the United States will not oppose them.

With great and sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, June 6, 1786.

Dear Sir,

I do myself the honor to enclose papers relative to African affairs, although Mr. Jefferson has transmitted them before, as it is possible his conveyance may fail.

The intelligence all tends to confirm what has been more than once written to you before, that two or three hundred thousand pounds sterling will be necessary to obtain a perpetual peace. It is very clear that a peace would be worth more than that sum annually, if you compute insurance, and the Levant, Mediterranean, Portuguese, and Spanish trade.

If Congress should be empowered to lay on taxes upon navigation and commerce, or anything else, to pay the interest of the money borrowed in Europe, you may borrow what you will. If that is not done, their servants abroad had better be all recalled, and our exports and imports all surrendered to foreign bottoms.

Enclosed is a bill now pending. The system of this country is quite settled. It is with our States to unsettle it by acts of retaliation, or to acquiesce in it, as they judge for their own good.

With great regard, &c.,

JOHN ADAMS.

—o—

FROM JOHN JAY TO JOHN ADAMS.

New York, August 19, 1786.

Dear Sir,

I wrote to you on the 7th of last month, and also on the 18th of this, enclosing some papers respecting an American vessel seized at Barbadoes by a British man-of-war. I have been honored with yours of the 16th, 25th, and 28th May, and 6th June last, which, with the papers accompanying them, were immediately laid before Congress.

The situation in which the want of an adequate representation had, for many months, placed Congress, put it out of their power to decide on several of my reports, some of which were founded on your letters. These delays oblige me to leave those letters unanswered, and to leave you without instructions on points on which I think you should be furnished with the sentiments of Congress.

We daily expect to receive the treaty with Portugal.

I have advised that new commissions be issued to you and Mr. Jefferson.

You will herewith receive the late requisition of Congress, their ordinance for the Indian department, and several other printed papers. A vessel for London has just touched here, and given me

an opportunity of writing you these few lines. I am mortified to write you such letters, but that must be the case until Congress enable me to write more particularly and satisfactorily. You want answers to many questions, and, though I am not at a loss to form a judgment what they should be, yet my private sentiments and those of Congress may not coincide.

With great and sincere esteem, &c.,

JOHN JAY.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, June 16, 1786.

Dear Sir,

Two days ago I was honored with your letter of the 4th of May, in which another, of the 1st of the same month, is referred to; and as I hear there is a passenger expected from the packet, I hope to receive it from him when he arrives in town.

Lord Caermarthen told me yesterday "that he had letters from Mr. Anstey, mentioning his civil reception." His Lordship said, too, that a "Minister Plenipotentiary would certainly be sent to Congress; that it was not from any coldness or want of respect to the United States that it had not been already done, but merely from the difficulty of finding a proper person; that he had received many applications, but they had been generally from persons who, he was sure, would not be agreeable in America, and, in some instances, from persons more suitable for a place in the customs than in the *corps diplomatique*."

A long conversation ensued upon the subjects of the posts, debts, &c., little of which being new, is worth repeating. The policy of giving up the interest during the war, and of agreeing to a plan of payment by instalments, was again insisted on, from various considerations, particularly from the evident injustice of demanding interest for that period. It was urged that the claim of interest, in most cases, was grounded upon custom and the mutual understanding of the parties; but that it never had been the custom, nor had it ever been understood or foreseen, that an act of Parliament should be passed casting the American debtor out of the protection of the Crown, cutting off all correspondence, and rendering all intercourse criminal; for that was the result, and the legal construction, during the whole war. Here his Lordship fully agreed with me, and even outwent me in saying that "it was very true that, by construction

‘of the law of this land, it was high treason in a creditor in Great Britain to receive a remittance from his debtor in America during the war.’ His Lordship added some slight expressions concerning the interest, and wished that the courts were open for recovering the principal. We might leave the interest for an after-consideration. In short, they waited only for some appearance of a disposition. The answer to my memorial of 30th November contained their true intentions. They sincerely meant to fulfil every engagement whenever they saw a disposition on our part. These expressions, you see, are somewhat oracular, but they conveyed so much meaning to me that I will no longer hesitate to recommend to Congress to take up this matter, and decide it at once. It would be going too far to point out the mode, but it may be suggested to require of all the States who have made laws irreconcilable to the treaty immediately to repeal them, declaring, at the same time, that interests upon book debts and simple contracts during the war cannot be considered as any part of the *bona fide* debts intended in the treaty. As to specialties, there may be, in some cases, more difficulty; yet I do not see but the same reasoning is applicable to all. The legal contract was dissolved by throwing us out of the protection of the Crown, and our subsequent assumption of independence, and had no existence until revived by treaty. Private honor and conscience are out of this question. Those who think themselves bound by these ties will do as they please; but I believe, under all the circumstances, few persons, even of the most delicate sentiments, will be scrupulous. If such a declaration should be made by Congress, candor will require that it should extend to both sides, to the British and refugee debtor to American creditors, as well as *vice versa*.

If Congress should choose to avoid involving themselves in such a declaration, would it not be proper for individual States to do it; and in this case, I humbly conceive the laws ought to be repealed, and the question left to the *judges and juries*, who, upon the strictest construction of law, equity, and the treaty, may, in my opinion, in most cases, if not in all, deny the interest during the war to the creditor. In some of these ways relief must be had, or in none; for the Ministry here will never intermeddle in the business.

If any one should ask, what was the intention of the contracting parties at the treaty? the answer must be, the treaty itself must determine; and any one who reads it may judge, as well as one of

the Plenipotentiaries. The word "heretofore" was not used, in preference to the words "before the war," with any view of the interest, but to comprehend debts which had been contracted during the war. The intention was, no doubt, that whatever judges and juries should find to be a debt, should be recovered; and I believe that any man, acting in the character of either, will find it difficult to say, upon his oath, that interest during the war is *bona fide* due. Did any debtor, foreseeing the war, contract a debt, and pledge his faith to pay interest during the continuance of it? Let this be proved, and a judge or juror would compel payment. But probably there is not one such case. The war may be considered as one of those accidents *bona fide* not expected or foreseen, against which equity will always give relief.

With great and sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Sir,

London, June 27, 1786.

I have received the letter you did me the honor to write me on the 1st of May, and the pleasure of Congress signified in it shall be strictly observed. You will perceive, by my letter of the 4th of March, that it was my determination to make no reply to his Lordship's answer of the 28th of February, to the memorial of the 30th of November, until I should receive the orders of Congress. As we hear that the vessel which carried out that despatch sprung aleak at sea, put into Lisbon, and did not sail from thence till late in April, I do myself the honor to enclose a duplicate of Lord Caermarthen's letter of 28th February, and of the representations of the merchants enclosed in it.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Sir,

London, July 15, 1786.

On Wednesday, the 13th, the Marquis of Caermarthen informed me that Captain Stanhope, of the Mercury man-of-war, to use his Lordship's own words, "had received a severe rap over the knuckles

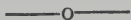
from the Lords of the Admiralty, for his conduct at Boston. His Lordship had received a letter from Lord Howe, accompanied with a long, dull letter from Captain Stanhope, which, instead of being a justification of his conduct, was rather an aggravation of it." His Lordship then called in his under Secretary of State, Mr. Frazier, and ordered the letter from the Admiralty to be brought to him, which he read to me. It informed him that the Lords of the Admiralty had called upon Captain Stanhope for his justification of his conduct to Governor Bowdoin, and had received from him the letter enclosed, for the information of his Majesty, which their Lordships, however, thought no apology; that their Lordships had accordingly signified to Captain Stanhope *their sensible displeasure* at his conduct; and as the Mercury had been ordered home from the American station, their Lordships would take special care that he should be no longer continued in that service.

The Secretary of State was pleased to say, further, that he would speak to Lord Sidney concerning the affair of the eastern line, that Sir Guy Carleton might have instructions concerning it before he went out.

His Lordship was asked if any appointment had been made of a Minister Plenipotentiary to the United States, and answered, not yet.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

London, July 30, 1786.

Dear Sir,

I have received the letter you did me the honor to write me on the 6th of June, with the ratification of the treaty with Prussia. As the term limited is near expiring, I shall go over to Holland, or send Colonel Smith to make the exchange.

Mr. Penn, a member of the House of Commons, whose character is well known in America and in England as a steady friend to our country will be the bearer of this, and will be able to acquaint you with the present disposition of this Court and nation; and I believe this information, although a British subject and Senator, will not be materially different from mine.

I cannot but lament from my inmost soul that lust for paper money which appears in some parts of the United States. There will never be any uniform rule, if there is a sense of justice, nor any clear credit, public or private, nor any settled confidence in public men or measures, until paper money is done away.

It is a great satisfaction to me to learn that you have received, in my letter of the 4th March, the answer of this Court to the memorial respecting the posts. As that is a despatch of more importance than all others you have received from me, I shall be anxious to know your sentiments upon it. You will not expect me to answer Lord Caermarthen's letter, nor to take any further steps concerning it until I shall receive the orders of Congress.

I wish for the instructions of that august body concerning a requisition in their name for the negroes—whether I am to demand payment for them, at what prices, and for what number.

With great regard, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, July 31, 1786.

Dear Sir,

Paul Randall, Esquire, who has been with Mr. Lamb to Algiers, will have the honor to deliver this letter, in order to lay before Congress the earliest information of all that has come to his knowledge in the course of his journeys and voyages. He proposes to return without loss of time to New York. He has conducted, as far as I can judge, with prudence and fidelity, and has merited a recommendation to Congress.

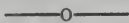
His salary will be paid him by Mr. Lamb, if arrived in New York, out of the moneys remaining in his hands. Mr. Lamb has drawn upon me for three thousand two hundred and twelve pounds twelve shillings sterling, and his bills for that sum have been accepted and paid. He will account with Congress for the expenditure of it, and pay the balance into their Treasury. Mr. Randall was at some small expense for clothing, which it will be but reasonable to allow him.

There are, it seems, at Algiers one-and-twenty prisoners taken on board the two American vessels. Mr. Lamb has left some money

for their benefit, but, however anxious they may be to be redeemed from captivity, there is reason to fear that all that money will be expended before they obtain their liberty; in which case they will probably write to me for more. I should, therefore, be happy to receive the instructions of Congress, whether I may be permitted to relieve them, and how far, or whether they must be left to the care and expense of their friends in America? If the last should be the determination of Congress, I should think it will be necessary that some public advertisement should be made that those friends may know their duty, according to their abilities. The provision that is made for the subsistence and clothing of captives, either by the Government or their masters, is said to be very inadequate to their comforts and necessities.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN JAY TO JOHN ADAMS.

New York, October 4, 1786.

Dear Sir,

A vessel will sail from hence for London about the 20th instant. By her you will hear from me again. Since the date of my last, viz: 19th August, I have been honored with your letters of 16th and two of 27th June, and 30th and 31st July last; which, with the papers enclosed with them were immediately laid before Congress.

You will hear of commotions in New England. The enclosed account of one at Exeter, New Hampshire, does credit to the Government of that State. Massachusetts seems not to have adverted to *obsta principiis*. A rage for paper money, and too little decision, or perhaps capacity of decision, in the construction of our Governments, expose us to inconveniences for which it is time to provide remedies. I hope you will soon receive instructions relative to the objections against evacuating the posts. That matter is in train.

Be pleased to forward the enclosed order to Mr. Lamb. We hear nothing certain respecting the issue of Mr. Barclay's mission. Report says he has made a truce.

With great esteem, &c.,

JOHN JAY.

FROM JOHN JAY TO JOHN ADAMS.

New York, November 1, 1786.

Dear Sir,

My last to you was dated 4th ultimo, since which I have been honored with yours of the 15th July last, which was immediately communicated to Congress.

My report on the answer of the British Minister to your memorial respecting our frontier posts, is under the consideration of Congress. Your ideas and mine on those subjects very nearly correspond, and I sincerely wish that you may be enabled to accommodate every difference between us and Britain on the most liberal principles of justice and candor. The result of my inquiries into the conduct of the States relative to the treaty is, that there has not been a single day, since it took effect, on which it has not been violated in America, by one or other of the States; and the observation is equally just whether the treaty be supposed to have taken effect either at the date of exchange of the provisional articles, or on the day of the date of the definitive treaty, or of the ratification of it.

Our affairs are in a very unpleasant situation, and changes become necessary, and in some little degree probable. When Government, either from defects in its construction or administration, ceases to assert its rights, or is too feeble to afford security, inspire confidence, and overawe the ambitious and licentious, the best citizens naturally grow uneasy, and look to other systems.

How far the disorders of Massachusetts may extend, or how they will terminate, is problematical; nor is it possible to decide whether the people of Rhode Island will remain much longer obedient to the very extraordinary and exceptionable laws passed for compelling them to embrace the doctrine of the political transubstantiation of paper in gold and silver.

I suppose that our posterity will read the history of our last four years with much regret.

I enclose for your information a pamphlet containing the acts of the different States granting an impost to Congress.

You will also find enclosed a copy of an act of Congress of 20th and 21st ultimo, for raising an additional number of troops. This measure was doubtless necessary, although the difficulty of providing for the expense of it is a serious one. I flatter myself you will be

able to obviate any improper suspicion which the Minister may be led to entertain respecting the objects of this force.

I have pressed the policy of deciding on my report on the infractions of the treaty without delay, that you may thence be furnished with conclusive arguments against the insinuations of those who may wish to infuse and support opinions unfavorable to us on those points.

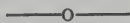
The newspapers herewith sent will give you information in detail of Indian affairs, but they will not tell you (what, however, is the fact) that our people have committed several unprovoked acts of violence against them; these acts ought to have excited the notice of Government, and been punished in an exemplary manner.

There is reason to believe that the people of Vermont are in correspondence with Canada. This hint, by calling your attention to that subject, may possibly suggest modes of inquiry and further discoveries on your side the water. Some suppose that the eastern insurgents are encouraged, if not moved, by expectations from the same quarter; but this is as yet mere suspicion.

I have left my despatches for Mr. Jefferson (which you will find under the same cover with this) open for your inspection. You will perceive that the nature of them is such as to render it expedient that they should be conveyed to him without risk of inspection. That consideration induced me to decline sending them by the French packet.

With great and sincere esteem, &c.,

JOHN JAY.



FROM JOHN ADAMS TO JOHN JAY.

London, October 3, 1786.

Dear Sir,

An event has taken place of too much importance to the United States to be omitted in despatches to Congress. A messenger arrived at the Secretary of States office last night, with a treaty of commerce between France and England, signed by the Count de Vergennes and Mr. Eden. It cannot be supposed that the contents can be fully known, but it is suggested that England has stipulated to reduce the duty upon French wines to the sum which is now stipulated upon Portugal wines; reserving, at the same time, a power

of reducing those upon the latter one-third lower than they are, if necessary. A Minister (Mr. Faulkner) is, in the meantime, sent off to Lisbon, to negotiate there both this point and another in dispute with Ireland.

England has stipulated that France shall enjoy all the privileges in trade of the most favored nation *in Europe*; so that a reservation is made of a right to allow the United States of America some superior advantages.

It is supposed that France is to admit British manufactures, and that all the commerce is to be carried on in British bottoms.

The treaty is probably subject to the ratification or consent of Parliament, and will be kept as secret as possible till the meeting of that assembly.

The consequences of this treaty cannot be indifferent, and time alone can reveal who is the gainer; but this is clear, that if either obtains any considerable advantage, a war must ere long be the consequence of it; for neither of these nations can bear to be outwitted by the other in commercial affairs.

The negotiation between England and Russia is at a stand, and the foreign Ministers here are anxious to learn whether there is to be a better understanding between London and Berlin, during the present reign in Prussia, than there was in the last. It is certain that England, more or less underhand, supports the Prince of Orange, who is more openly encouraged by his brother-in-law, the present King of Prussia. France, on the other hand, has connexions with the Republicans, who seem determined that no foreign Power shall interfere in their internal policy. The Emperor would not be sorry to see France and Prussia at variance concerning Dutch affairs. For all these reasons together, I hope the patriots in Holland will have a peaceable opportunity to go through their projected restoration and improvement of their constitution.

The designs they entertain are interesting to mankind in general, as well as to their particular country, since the principles of liberty and the theory of good government may be propagated by them.

A writer of great abilities and reputation has been employed to draw up a plan for the settlement of the republic, to which many of the ablest men in the several provinces have contributed their assistance. It has been published in three volumes, under the title of *Grondewellige Herstelling*, and near five thousand copies of it have

been sold, which shows the zeal with which it has been generally approved. The author of it is Mr. Cerisier, who has been constant to his principles, and has professedly recommended the constitutions of our United States as models, as far as the circumstances will admit. Several cities have reformed their regencies according to his ideas; and many more—perhaps all—will follow their example, if no foreign Power should interfere. In a late excursion to the Low Countries, I happened to be at Utrecht on the day of the ceremony of administering the oaths to the new magistrates elected by the free suffrages of the people. It was conducted with perfect order and striking dignity, in the presence of the whole city, well armed and well clothed in uniform, and apparently well disciplined, besides a vast concourse of spectators from other cities. A revolution, conducted in this decisive manner, and with such decorum, shows the principles upon which it was founded must have taken a very deep root.

If neighboring monarchies should not, from jealousies that democratical principles may spread too far, and, in time, affect their own subjects, interfere and disturb this free people, they will exhibit to the world something worthy of its attention. When I mention democratical principles, I do not mean that it is their intention to establish a Government merely democratical, but a well-regulated Commonwealth, consisting in a composition of democratical, aristocratical, and monarchical powers, without which they are too enlightened to suppose that peace and liberty can ever be long preserved among men.

With great and sincere esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, October 27, 1786.

Dear Sir,

When the ratification of Congress of their treaty with the King of Prussia arrived here, the term limited for the exchange of it was near expiring. As a few members of the States General had discovered uneasiness at my coming to London without going to the Hague to take leave, it seemed a convenient opportunity to go over

and show them as much of the respect they required as remained in my power. Accordingly I went, and, making the customary visits to the President, Pensionary, and Secretary, renewed assurances of the friendship, esteem, and respect of the United States for their High Mightinesses and the Republic; and the visit appeared to be kindly received. The exchange of ratifications was soon made with the Baron de Thulemeier, who had time to transmit the act of Congress to the great Prince, who first proposed the treaty some days before he expired. The ratification, under the signature of Frederick the Great, is here enclosed.

At the same time, sir, you will receive so much of the substance of a treaty of commerce between France and England as the Ministry have thought fit to publish. This is so great an event, and must have consequences so extensive, that I feel myself incapable of forming any judgment of it, upon the whole. Every treaty of commerce between these nations, for three hundred years, has been found beneficial to France and hurtful to England.

But, at present, this nation is very sanguine the advantage will be theirs. They boast of the superior skill of their manufacturers, of the superlative excellence of their manufactures, the multitudes of inventions and machines peculiar to themselves, by which time and labor are saved, and productions sold cheaper than in any other country. A market like France, where five-and-twenty millions of people have occasion for English fabrics, must be a valuable acquisition. Commercial connections, by softening prejudices, may lessen the disposition to war; and a friendship, even an alliance with France, would enable the two nations to govern the world. This is, at present, the style of conversation, and the treaty appears to be popular.

France and England are both endeavoring, at this moment, to impose upon each other by professing desires of friendship which they never felt. The secret motive of both is to impose upon the United States of America. The English imagine that, by assuming an appearance of friendship for France, they shall excite a jealousy of France in America, and provoke Congress to break their faith with her. The French are in hopes that, by putting on a show of familiarity with England, they shall stimulate Congress to make them proposals of closer connexions. The whole, at bottom, is a farce of

political hypocrisy. The United States will continue steadily, it is to be hoped, on the reserve.

England is now pursuing her proposals of treaties of commerce with the Emperor, the Empress of Russia, with Denmark, and Portugal, and, perhaps, Spain. France and the Emperor took the only way to compel England to treat, when they, by their edicts, prohibited British manufactures. The United States must imitate the example, or they will never be attended to.

The present appearances of friendship are forced and feigned. The time may not be far distant, however, when we may see a combination of England and the house of Bourbon against the United States. It is not in gloomy moments only, but in the utmost gayety of heart, I cannot get rid of the persuasion that the fair plant of liberty in America must be watered in blood. You have seen enough in Europe to know that these melancholy forebodings are no chimeras. There is such a disposition in the principal Powers who have possessions in the Indies, that our country will find no other resource but to swear her children on the holy altar to fight them all at once in defence of her liberties. It may have some tendency to save us from such extremities, if we enter into treaties with the two Empires; for these will soon be jealous of any connexion between France and England.

The Chevalier del Pinto's courier is not yet returned from Lisbon with the treaty. This worthy Minister makes frequent apologies on account of the absence of the Queen in the country, and the unsettled state of the Court; but, perhaps, there may be difficulties which he is not apprized of, or not inclined to mention.

Mr. Barclay's treaty with Morocco is not yet come to hand. Congress will, I hope, determine whether we are to send him or any other to Algiers, without more money in his hands. It would cost us three or four thousand pounds, to send any one, and unless he has the power to offer larger presents, he would only make matters worse.

I hope our country, in every part of it, will cherish their militia as the apple of their eyes, and put everything in as good a posture of defence as possible, and keep up a constant expectation of war. This is the best and most serious advice that can be given by, dear sir, &c.,

JOHN ADAMS.

FROM JOHN JAY TO JOHN ADAMS.

New York, January 17, 1787.

Dear Sir,

Since my last to you of 1st November, I have been favored with yours of 3d and 27th October, 1786.

Nothing material has since taken place. Congress have not made a House since the 3d November last. There is a prospect of there soon being one. Until then their foreign, and, indeed, domestic, affairs must continue much at a stand. You will, herewith, receive the public papers.

You will soon hear from me again.

I am, dear sir, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, February 6, 1787.

Dear Sir,

Congress at length begins to do business. Seven States are represented, and General St. Clair was, three days ago, chosen President.

Since my last to you of 17th ultimo, I have not had the pleasure of receiving any letters from you.

You will, herewith, receive a letter from Congress to the Queen of Portugal, which you will be pleased to transmit in the manner suggested in my report, of which you will find a copy enclosed. The Colonel will, I hope, be pleased with the commission. Being persuaded that your instructions to him will comprehend every proper object, I forbear suggesting any hints on that head.

A report on your correspondence with Lord Caermarthen, relative to the posts and treaty of peace, was made to Congress on the 13th day of October last, and you shall be informed without delay of the result of their deliberations upon that and other points arising from your letters. As yet no great progress towards a decision on any of them has been made.

I find myself too much constrained by the reflection that this letter is to go by the packet to be very particular.

With great and sincere esteem, &c.,

JOHN JAY.

Office for Foreign Affairs, January 25, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to him from the honorable John Adams, of the 27th June last, informing that the Queen of Portugal had ordered her squadron in the straits to protect the vessels of the United States equally with those of her own subjects, reports:

That, in his opinion, as this is a particular mark of her Majesty's friendly disposition, it should be acknowledged in the manner most likely to be pleasing and acceptable. He therefore thinks it would be proper for Congress to write her a letter of the following tenor:

"Great and good Friend,

"We take the earliest opportunity, since our annual election, of presenting to your Majesty our sincere acknowledgments for the friendly regard you have manifested for us, in having ordered your squadron in the straits to protect our vessels equally with those of Portugal.

"Permit us to assure you that we shall retain this mark of generous attention in grateful remembrance, and shall omit no opportunity of testifying our desire to establish and perpetuate between our two countries an intercourse of commerce and good offices, which may prove no less beneficial than agreeable to both.

"We pray God to bless and preserve your Majesty. Done by the Congress of the United States, convened at the city of New York, the — day of —, seventeen hundred and eighty-seven."

As this communication was made by the Envoy in London to Mr. Adams, your Secretary thinks this letter should be transmitted to him; and that the compliment would be more delicate if his Secretary was commissioned to carry and deliver it. Perhaps, too, so striking a proof of respect might, among other consequences, promote the conclusion of the treaty.

Mr. Adams, in the same letter, takes notice of the question, whether it would not be expedient for the United States to wage war with the hostile Powers of Barbary; but as your Secretary submitted his sentiments on that subject to Congress, in his report of the 20th day of October, 1785, he forbears to repeat them in this.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 30, 1786.

Dear Sir,

Your favor of the 4th of October I have had the honor to receive, and have dispatched the resolution enclosed in it to Paris, to go from thence to Spain ; but I hope Mr. Lamb is already on his passage for America.

The commotions in New England will terminate in additional strength to Government, and, therefore, they do not alarm me.

I have lately received from Lord Caermarthen, officially, the enclosed treaty between France and England. Congress will be able to form a judgment of it with more accuracy than I can pretend to. There is no obvious particular in which it can be prejudicial to us. At first it appeared to be popular here. At present there is some appearance of opposition.

There are no symptoms of a more favorable inclination to a treaty with confederated America, although the taxes have fallen short very considerably. Mr. Pitt will be obliged to propose fresh taxes, and the people will bear them ; for, in this country, the people universally endeavor to reconcile themselves to their inevitable situation, and to encounter their difficulties with courage and constancy. They know that the interest of their public debt must be paid, or they must be ruined ; for nobody ever here is profligate enough even to insinuate that public faith and credit is to be trampled under foot, or trifled with.

It is a pity that every American could not be transported to Europe for a few weeks to take a view of the taxes paid in France, Spain, Holland, and England, and see how the people live. It would soon reconcile them to their situation, and make them ashamed to have ever uttered a complaint. The just complaint of the people, of real grievances, ought not to be discouraged ; and even their imaginary grievances may be treated with too great severity ; but when a cry is set up for the abolition of debts, an equal division of property, and the abolition of Senates and Governors, it is time for every honest man to consider his situation. The people at large will be miserable dupes indeed, if they indulge themselves in slumbers which may give scope to a few of the most worthless in society, in point of morals as well as property, to render their lives, liberties, religion, property, and characters insecure. The laws alone can

secure any man his own body, estate, or peace of mind; and if these are scorned, in God's name what is ever to be respected; what is there worth living for?

Doctor White and Doctor Provost, &c., have arrived at Falmouth, but not yet come to town. By them we expect more letters.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN JAY TO JOHN ADAMS.

New York, February 21, 1787.

Dear Sir,

I had the pleasure of receiving, two days ago, your letter of the 30th November, by Mr. Mitchell. It was the next morning laid before Congress.

Nine States are now represented, but as yet little progress has been made in the business before them. My report on the infractions of the treaty complained of by Britain has been referred to a new committee, and, I think, a very good one. Various opinions prevail on the subject, and I cannot conjecture what the ultimate decision of Congress on it will be.

The insurrection in Massachusetts seems to be suppressed; and I herewith enclose the papers containing the details we have received since the 6th instant, when I wrote to you by the packet. Your sentiments on that business prove to have been just.

I ought to write you fully on many subjects, but I am not yet enabled; when I shall be, cannot be predicted. Our Government is unequal to the task assigned it, and the people begin also to perceive its inefficiency. The Convention gains ground. New York has instructed her delegates to move in Congress for a recommendation to the States to form a Convention; for this State dislikes the idea of a Convention, unless countenanced by Congress. I do not promise myself much further immediate good from the measure, than that it will tend to approximate the public mind to the changes which ought to take place. It is hard to say what those changes should be, exactly. There is one, however, which I think would be much for the better, viz: to distribute the Federal sovereignty into its three proper departments of executive, legislative, and judicial;

for that Congress should act in these different capacities was, I think, a great mistake in our policy.

This State, in their present session, has greatly moderated their severities to the Tories, a law having been passed to restore a very great majority of those resident here to the rights of citizens.

I hope all discriminations inconsistent with the treaty of peace will gradually be abolished, as resentment gives place to reason and good faith. But, my dear sir, we labor under one sad evil—the Treasury is empty, though the country abounds in resources, and our people are far more unwilling than unable to pay taxes. Hence result disappointment to our creditors, disgrace to our country, and, I fear, disinclination in too many to any mode of government that can easily and irresistibly open their purses. Much is to be done, and the patriot must have perseverance as well as patience.

I am, dear sir, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO JOHN ADAMS.

New York, April 2, 1787.

Dear Sir,

Since my last to you, of 25th February, I have not been favored with any letters from you.

Congress have made some progress in my report on your letter of 4th March, 1786, and the papers that accompanied it. They lately passed the resolutions, of which you will find a copy herewith enclosed. Having been ever since, and still being, too much indisposed to prepare instructions to you on these subjects in time for their being reported and agreed to by Congress, and transmitted by this opportunity, I send this copy merely for your information. Perhaps it might be well to communicate it informally to the Minister. I think it would have a good effect, and tend to abate the irritation which long delays and silence may have occasioned.

The Morocco treaty has not yet arrived, and we are still in suspense about the fate of the one with Portugal.

What good will result from the convention to be convened in pursuance of the resolution, of which I also enclose a copy, is uncertain. Something is very necessary to be done, for our difficulties increase day by day. I am too unwell to write much at this

time, nor do I expect to recover a tolerable degree of health until the season admits of my taking exercise. Although exceedingly temperate, my digestion is bad, and a lingering fever hangs about me.

I am, dear sir, &c.,

JOHN JAY.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, May 3, 1787.

Sir,

In obedience to the orders of Congress, I have the honor of informing you that Phineas Bond, Esq., has presented to Congress a commission from his Britannic Majesty, constituting him Commissary for all commercial affairs within the United States; and another commission, constituting him Consul for the States of New York, New Jersey, Pennsylvania, Delaware, and Maryland.

Congress, being desirous, on this and every other occasion, to manifest their disposition to cultivate a friendly correspondence with Great Britain, have received Mr. Bond in his latter capacity, although no treaty or convention subsists between the two countries whereby either has a right to establish Consuls in the dominions of the other.

As yet, Congress have not received any commissaries for commercial affairs, and they think it most prudent not to receive them from any nation, until their powers shall have been previously ascertained by agreement; lest, as those appointments are seldom made, and both parties may not have precisely the same ideas of the extent of the powers and privileges annexed to them, disagreeable questions and discussions might, and probably would, otherwise take place on those delicate subjects.

You will be pleased to submit these reasons to his Majesty, and to assure him that Congress regret the objections which oppose their complying with his wishes in this instance, but that they are ready to join with his Majesty in such agreements or conventions as may be necessary to remove them, and which may also tend to promote and establish a friendly and satisfactory commercial intercourse between the two countries.

I have the honor to be, &c.,

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 9, 1787.

Dear Sir,

I am unable to give you any account of the reasons which have prevented the treaty with Morocco from reaching London; but it has not yet made its appearance. The Tripoline Ambassador sent me a polite message, and desired a conference. It was agreed to, and his Excellency was pleased to inform me that he had received repeated letters to return home, and should depart in a few weeks; desired to be informed whether any further instructions had been received from Congress relative to a treaty with Tripoli, and being answered in the negative, he said the decree was written in heaven, and, if a peace was preordained between my country and his, it would take place. He should be happy, when he arrived in his own country, to be instrumental in so good a work.

The Chevalier del Pinto, with a great deal of real anxiety, has, last week, renewed his apologies. He has written to M. de Melho that it is indecent, that he is ashamed to think how the business has been delayed. This worthy Minister sent one of his own favorite domestics, who has called at the Minister's office every day, but has been detained from the month of May. The Minister has been sick; that is the excuse. In short, I suppose there are parties, and this late negotiation between France and England has occasioned divisions of sentiment; and the late decease of the King of Portugal, and the Queen's retirement in the country, and the Minister's sickness, have prevented any determination of any questions of importance.

According to the usages of the diplomatic order, I ought, before now, to have mentioned the death of her Royal Highness the Princess Amelia, aunt of his present Majesty the King of Great Britain, on the evening of the last day of October last.

On Thursday, the 4th day of this month, I had the honor of a private audience of his Royal Highness the Duke of Cumberland, having been previously notified by the master of the ceremonies, and presented by him. All the foreign Ministers who had not been before presented to his Royal Highness, were presented on that day. The same ceremonies are used as with the King.

Enclosed is a copy of a letter from the Marquis of Caermarthen,

dated the 11th of December last. His Lordship is mistaken or misinformed, in supposing that the American Ministers admitted the justness of the claim. That was wholly out of their power. All they could do was to transmit it to Congress, as I now transmit his Lordship's letter, without any concession or denial of the justice of it. In my answer to his Lordship, I shall set him right in this particular.

Enclosed, likewise, is a letter of 5th January, from Messieurs Willinks and Van Staphorsts, relative to the hotel of the United States. There is such a corrosive dampness in the air of that country, that, without the continual attention of an inhabitant, a building falls to decay very fast. I really think the best thing that can be done is to order the house to be sold by Messieurs Willinks and Van Staphorsts, as soon as possible. This is the best advice to be given. If it is not sold, there will be constant expenses for taxes and repairs, without saving the building from ruin. As it is, I do not believe any American Minister would now live in it. This subject deserves the immediate attention of Congress.

It is with great pleasure that I am able to inform Congress that the credit of the United States in Holland has not suffered any material shock in consequence of the relations of tumults and seditions in Massachusetts and New Hampshire.

With great regard, &c.,

JOHN ADAMS.

FROM LORD CAERMARTHEN TO JOHN ADAMS.

Whitehall, November 1, 1786.

Lord Caermarthen presents his compliments to Mr. Adams, and it is with the greatest concern that he has the honor to acquaint him with the melancholy news of the death of her Royal Highness the Princess Amelia, his Majesty's aunt, yesterday evening, between five and six o'clock.

FROM LORD CAERMARTHEN TO JOHN ADAMS.

Whitehall, December 11, 1786.

Sir,

You will be pleased to recollect that, in the month of May, 1783, Mr. Hartley communicated to you and the other Plenipotentiaries

then residing in Paris, pursuant to the instructions he had received, a memorial from the merchants trading to South Carolina and Georgia, representing their just claims to an indemnification for debts due to them from the Creek and Cherokee Indians, for the payment of which a tract of land on the western frontier of Georgia had been ceded to his Majesty in the year 1773. I must also desire to recall to your recollection that, upon this representation being made by Mr. Hartley, the American Plenipotentiaries, though they did not think themselves authorized to take cognizance of the affair, admitted the justness of the claim, and assured Mr. Hartley that they would transmit it to Congress.

As Mr. Hartley, previous to the conclusion of his mission, received no answer upon this subject, I am under the necessity of requesting you will inform me whether you are yet acquainted with the determination of Congress relative to this claim; and, if not, that you will have the goodness to take an early opportunity of again representing the case of these sufferers as highly deserving the consideration of the United States, from whose principles of equity and justice I cannot but hope the memorialists will obtain all due relief.

I am, with great truth and regard, &c.,

CAERMARTHEN.

FROM MESSIEURS WILHEM AND JAN WILLINK AND NICHOLAS AND
JACOB VAN STAPHORSTS TO JOHN ADAMS.

Amsterdam, January 5, 1787.

We had the honor to receive in due time your Excellency's ever respected favor, advising us to pay in specie the premiums of six per cent. for sixty thousand francs, drawn last October, at the charge of the United States. We shall immediately publish the same, together with the payment of the interest due 1st proximo on the loan of two millions, which will, we trust, have the good effect upon the credit of America your Excellency and we promise ourselves. Such a measure is the best possible refutation of the exaggerated reports published with avidity by persons, through malice or ignorance, of the confidence and respect due to the Government of the United States.

Your Excellency will find enclosed a letter from Mr. Dumas,

with the report of surveyors, of the present condition of the hotel of the United States at the Hague. It appears to us something decisive ought to be done in this respect without delay. We therefore request your Excellency to transmit us, by the return of the mail, your directions on this head, which shall be punctually followed. In waiting them, we have begged of Mr. Dumas not to incur any but the indispensable necessary expense.

We request your Excellency and your lady, together with Colonel Smith, to accept our best wishes for their health and happiness during the present and many succeeding years, and have the honor to be, &c.,

WILHEM & JAN WILLINK,
N. & J. VAN STAPHORSTS.

FROM M. DUMAS TO MESSRS. W. AND J. WILLINK AND MESSRS.
N. AND J. VAN STAPHORSTS.

The Hague, January 2, 1787.

Gentlemen,

On the receipt of your letter of the 23d December, 1786, I went, with two creditable, impartial citizens, to the American hotel, to examine it throughout myself, together with those who accompanied me. We unfortunately found that the reports which had been made to us concerning it were true, and that there is no time to be lost to prevent accidents to passengers, and greater expenses hereafter. I had an inspection made by the carpenter to see whether I could accomplish your request to lay planks. He frankly declared to me that he could not do it, as all the *voor géereel* was rotten, and many parts of the wall were falling on account of the decay of the beams. As both you, gentlemen, as well as ourselves, have no views in this business, and as I am certain you seek only the interest of Congress, as well as ourselves, and we are equally desirous to prove to Congress that the steps we have taken are upright and disinterested, I would not refer either to myself or to the carpenter, but to other persons. We therefore sent the *voor meisters* to examine it, a copy of whose declaration you will find enclosed, which I did not receive until this morning on account of the holydays, although it is dated the 29th December. I have been obliged, by their orders, to have

supports fixed under the balcony, until I have your further orders, which I beg you will send me, gentlemen, as soon as possible, to prevent any accidents and complaints which are made to us. I am told that the arms of the United States can be placed in the room of the balcony; the rather, as they are ready in the house for that purpose; and I will have it done, in order to preserve the right of a balcony to the house. I am sorry for the decay that has happened. But let the matter result as it may, whether Congress sends a Minister to dwell in it, or orders to sell it, should it remain in its present condition, no benefit would arise from it. In short, gentlemen, I have informed you of the circumstances as they are, and, in expectation of your orders, I shall conform to them with exactness and all the economy possible as to the expenses.

Permit me, gentlemen, on this return of a new year, to address my most ardent wishes that Heaven may grant you its choicest blessings, not only for the present, but through years far remote. Be pleased to make my wishes acceptable to your ladies, with our respectful compliments, which my spouse and daughter desire me to send you.

I am, &c.,

M. DUMAS.

Copy of a Certificate of the Surveyors of the Building, on a stamp paper of twelve stivers.

We, the subscribers, Peter Van Swieten and Jacob Van Brakel surveyors of the buildings at the Hague, have, at the request of M. Dumas, examined what repairs are necessary to be done at the hotel belonging to the United States of North America, situated on *Fluvelle Burgwal*, in this town, and have found the same to be as follows:

The balcony, with the cross-beam at the front above the entry ought to be taken away, and probably must be entirely renewed because, in its present situation, it is dangerous. Several windows in front must be repaired; some of them are so rotten that the panes of glass are fallen out. From the top bands in the front the bindings are removed, and they are not properly secured; in consequence whereof, the middle part of said front is projected some inches, and it is to be apprehended that, unless proper care is taken, a part of

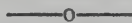
the front will fall into the street, to the loss of the owners and danger of passengers.

Thus found by us the 28th December, 1786.

V. SWIETEN.

JACOB VAN BRAKEL.

Hague, 29th December, 1786.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 24, 1787.

Dear Sir,

I must beg the indulgence of Congress while I solicit their attention for a few moments to some particulars which are very interesting to me personally, and have some relation to the foreign affairs of the United States. It is now in the beginning of the tenth year since I embarked first for Europe, in obedience to the commands of the United States. The various services to which they have been pleased to destine me are known to Congress by their own records, and the particular details of the execution of their orders, as far as circumstances have permitted, have been transmitted, from time to time, to Congress and their Ministers of foreign affairs, so that it would be unnecessary to repeat anything of that kind upon this occasion. The mission with which they honored me to the United Provinces of the Low Countries, both as public Minister and as agent to negotiate a loan of money, is not yet revoked. The commissions to negotiate with the Barbary States, in which I had the honor to be associated with Mr. Jefferson, are still in force. The commission to his Britannic Majesty will expire on the 24th of February, 1778—this day thirteen months—unless sooner revoked. I take this early opportunity of informing Congress of my intention to return to America as soon after the expiration of this commission as possible, that measures may be taken in season to complete all the arrangements which that honorable assembly may judge necessary.

I have been a witness of so much respect and affection to the United States of America in the Low Countries, and have there experienced so much candor and friendship to myself, that it is natural for me to wish to take leave of their High Mightinesses with decency, and according to the forms that the usages of nations

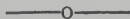
prescribe. I must, therefore, solicit a letter of recall. It would be a pleasure to me to go over in person to the Hague in order to present it; but as I have the most candid assurances that a memorial sent from hence would be equally well received, I shall probably avoid the expense of a journey. If Congress judge a Minister at that Court necessary, they will appoint one, of course; and if there is further occasion for borrowing any small sums of money, they will commission a new agent. Colonel Franks arrived here this morning with the treaty with Morocco, and will be despatched to Congress without delay. There is no probability of any further progress of success with the Barbary Powers, without further orders from Congress, and larger sums of money. If Congress should give fresh instructions, and order more money to be appropriated, I must request that they will associate some other person with Mr. Jefferson, if they should not judge it more convenient for that able and excellent Minister to conduct it alone, or designate some other single person to the service. It may be the intention of Congress to recall me from this Court before the expiration of their present commission, but as this would be a measure of eclat, perhaps they may judge it more prudent to avoid it. If Congress determine to send another Minister, I hope it will be done in such season that he may arrive before my departure. If no other Minister is sent, it will, perhaps, be thought necessary to leave the negotiation in the hands of a *Chargé d'Affaires*. Colonel Smith has at present only a commission as Secretary of Legation. I may be permitted, I hope, without presuming too far, to recommend him to this office, and solicit it for him. When he was appointed Secretary, he was unknown to me even by name. He has since formed a connexion in my family which renders it delicate for me to say any thing in his favor. Such a circumstance, however, cannot forfeit his title to justice from me; and it is no more to say that his conduct, his talents, and his industry merit a much higher station than has yet been assigned him. You know perfectly well, sir, that the office even of a public Minister of the second order is a station extremely humiliating at any Court in Europe. At Versailles, at Madrid; at the Hague, and at London, the difference between Ambassadors and Ministers Plenipotentiary or Envoys is so immense, that the latter are little more regarded than the *maître d'hôtel* of a Minister of State. This is a fact known to you, but not known to our countrymen; and, therefore, I think it

my duty to mention it that it may be considered. The place of *Chargé d’Affaires* is so much below that of Minister, and that of simple Secretary of Legation so much below that of *Chargé d’Affaires*, that nothing can reconcile a gentleman who has commanded in an army through a whole war, with reputation to it, but the most decided determination to sacrifice his feelings to the good, or rather to the sense of his country. I need not add that, in the present times and circumstances, these things are more intolerable in England than elsewhere.

May I be permitted to request that Congress would be pleased to take up this subject as soon as their more important affairs will permit, that their arrangements may be received in Europe in time to despatch the few things, both of a public and private nature, that will remain for me to do. A letter of recall from Holland, and an appointment in my place in the commission to the Barbary States, are of importance to be expedited early. If they do not arrive in season before the expiration of the commission to St. James’s, I shall presume that it is the intention of Congress to take no further arrangements in those affairs, and embark with my family for America in one of the early spring ships in 1788.

With great respect, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

London, January 27, 1787.

Sir,

We had the honor of transmitting to Congress copies of the commission and instructions which, in pursuance of the authority delegated to us, were given to Mr. Barclay to conduct a negotiation with Morocco.

Mr. Barclay has conducted that business to a happy conclusion, and has brought with him testimonials of his prudent conduct from the Emperor of Morocco and his Minister so clear and full, that we flatter ourselves Mr. Barclay will receive the approbation of Congress.

Mr. Barclay has received somewhat more than four thousand pounds sterling for the expenses of presents and all other things.

Colonel Franks, who accompanied Mr. Barclay in his tedious

journeys and difficult negotiations, in the character of Secretary, will be despatched to Congress, and will have the honor of delivering this letter, together with the treaty, the Emperor's letter to Congress, and a variety of other papers relative to his mission, a schedule of which is annexed.

The resolution of Congress, vacating Mr. Lamb's commission and instructions, has been forwarded to him, and we have repeatedly advised him to return to New York. That gentleman has received somewhat more than three thousand pounds sterling of the public money, for which he is accountable to Congress.

We beg leave to recommend Mr. Barclay and Colonel Franks to the favorable consideration of Congress.

It is no small mortification not to be able to communicate any intelligence concerning the treaty with Portugal; the Chevalier del Pinto is equally uninformed. His own confidential domestic, despatched to Lisbon last spring, has been constantly waiting on the Minister for an answer, but has obtained none, and has not yet returned to London. The treaty between France and England has probably excited parties and surprise in Portugal, and the system of men and measures is not yet settled; the apologies are the Queen's absence in the country, and the Prime Minister's indisposition.

The article of money is become so scarce and precious, that we shall be obliged to suspend all further proceedings in the Barbary business, even for the redemption of prisoners, until we shall be honored with fresh instructions from Congress.

With great respect, &c.,

JOHN ADAMS.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Cadiz, October 2, 1786.

Gentlemen,

By the bearer, Colonel Franks, I do myself the honor to send you in a small box the following articles:

1st. A book containing the original treaty, in Arabic, between the Emperor of Morocco and the United States.

2d. Three translations of the treaty, in English, to each of which is added a translation of a declaration made by Tahar Fennish,

by order of his Majesty, in addition and explanation of the tenth article.

3d. A letter from the Emperor to the President of Congress.

4th. The translation of this letter, in English.

5th. Translation of the Emperor's letter to the King of Spain.

6th. A letter from Tahar Fennish to the Ministers at Paris and London, and *translation*.

7th. Signals agreed on, by which the Moorish and American vessels may distinguish each other at sea.

8th. The answers to the queries you put me, dated Tangier, the 10th September.

9th. An account of some other particulars relative to this country, dated Tangier, 13th September.

10th. An account of the proceedings relative to the treaty, dated Ceuta, 18th September.

11th. Copy of commission given to Francis Chiappi, of the city of Morocco, until the pleasure of Congress shall be known, and the names of the agents at Mogadore and Tangier.

These matters have been detained a considerable time from you by various accidents, among which contrary winds and stormy weather were a part. But I hope, as all such impediments are now removed, you will receive them with the utmost expedition. The original of the declaration made by Mr. Fennish could not be placed in the same book with the treaty sealed by the Emperor, the Moorish forms not permitting it; therefore, Mr. Fennish wrote it in another book, which I had placed in his hands, with a copy of the treaty for examination, in order that he might certify the verity of it, lest any accident should happen to the original; which book, with authenticated copies of the other papers, remains in my hands.

I am, with great respect, &c., THOMAS BARCLAY.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Madrid, November 7, 1786.

Gentlemen,

I wrote to you from Cadiz, the 2d of last month, a copy of which goes under the cover of this; and the original, with the papers mentioned therein, will, I hope, be very soon delivered to you by Colonel Franks.

On my arrival here, I had the pleasure of receiving Mr. Jefferson's letter of the 26th of September, informing me that, for the present, any further attempts to arrange matters with the Barbary States are suspended. I had determined, as soon as I should know this to be the case, to embark for America; but the season being so far advanced, I shall put off the voyage until the spring, and hope to have the satisfaction of taking your commands personally before I go. Mr. Carmichael communicated the whole of the letters which Mr. Lamb has written to him from the time of his first leaving Madrid; and, on perusal, it struck me that an interview with him might be attended with some desirable consequences, as he had, on account of his health, declined Mr. Carmichael's request of coming to meet me at this place. If I had any doubts of the propriety of this measure, they would have been removed by Mr. Carmichael's opinion, and by the paragraph of a letter written by Mr. Jefferson to Mr. Carmichael, the 22d of August. I need not add that the objects which I have in view are to obtain as distinct an account as possible of what has been done, and to give Mr. Lamb an opportunity of settling his accounts. Though I have a commission from Congress to settle all their accounts in Europe, perhaps Mr. Lamb may not think that his engagements are included in this general power, or he may not choose to communicate freely with me without the permission of the Ministers; and, therefore, if Mr. Jefferson approves of it, I wish he would write a letter to Mr. Lamb, mentioning me to him as a confidential servant of the public, to whom he may safely trust the particulars of our situation, and give me such information as he will be sure to have faithfully delivered to Congress, if I arrive safe in America. Mr. Jefferson will also, if he please, point out to Mr. Lamb how convenient the opportunity will be for an adjustment of the accounts, and if there is any balance to be remitted by Mr. Lamb to Mr. Adams, I will give my best advice as to the mode in which it may be done with the greatest advantage and security to the public. If Mr. Jefferson writes to Mr. Lamb on this subject, he will be so good as to enclose it to me, with such hints and instructions as he shall judge proper, under cover to Mr. Carmichael. It will be some time before I can set out on this journey, as I am charged with a letter to the King from the Emperor of Morocco, which, by an appointment, I am to deliver at the Escorial, the 13th. The Count d'Espilly came to town yesterday, and to-morrow I

expect to see him, as it is certainly in his power to give a good deal of information respecting the Barbary States. Whatever I can collect shall be communicated to you; and I only add that I am clearly of opinion that this journey is not only proper, but necessary.

I am, with great respect, &c.,

THOS. BARCLAY.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Escorial, November 15, 1786.

Gentlemen,

I came here a few days ago to deliver a letter from the Emperor of Morocco to the King, which I put into the hands of the Count de Florida Blanca, acknowledging the sense I had of his attention, and thanking him with great sincerity for the part he had taken in our business at Morocco. He seemed very much pleased with our success; and, smiling, replied, "now that we have happily finished this treaty, we will see what we can do with others for you." I am persuaded that this Minister is extremely well disposed to serve our country; and I doubt not but this Court will greatly strengthen our endeavors with the Barbary Powers. It is the decided opinion of the Count d'Espilly that nothing ought to be attempted with Algiers at present, and that you should begin with the Porte. He proposes setting out for Africa some time hence, and promises a continuation of his good offices. He remarked, that if we could capture one Algerine cruiser, it would greatly facilitate a treaty; but this mode of negotiating would, I think, prove more expensive than any other, and it ought to be our last resort. I am informed by a letter from M. Chiappi, of Mogadore, that a vessel is arrived there, the master of which reports, that on his passage from Lisbon he saw an Algerine frigate of forty guns, and four xebecks, and that the people who were on board one of them informed him they were going to cruise on the coast of America; but I cannot give credit to the account, as the season of the year is far advanced, and we have not heard that any of the Algerine cruisers have passed the straits of Gibraltar, within which I hope the Portuguese squadron will keep them—this being all that may be expected from them. To-morrow I shall return to Madrid, and from thence to Alicant, from whence I

shall give you as clear an account of Mr. Lamb's situation as circumstances will admit of. I believe there are some effects belonging to the United States at Corunna worth looking after. It is some years since, in consequence of a letter from Mr. Morris, I endeavored to recover them. I shall take all the information I can of their value, and if it appears clearly that they are worth so much attention, I will return to France by that place; if not, I shall go as soon as possible home, by the shortest route.

I am, with great respect, &c.,

THOS: BARCLAY.

No. 4.

Translation of No. 3.—A Letter from the Emperor of Morocco to the President of Congress.

In the name of the most merciful God. No power can exist on the earth without the will of the powerful and Almighty God.

From the servant of God, Mohamed Ben Abdelkack. May God be with him. Amen.

To his Excellency the President of the Congress of the United States of America. Peace to him who follows the right way of God.

This is to acquaint you that we received your letter by the hands of your Ambassador, Thomas Barclay, who delivered to us likewise another from the King of Spain. From the contents of these letters we learned that you were disposed to establish a treaty of commerce and peace with us, such as we have with other Christian Powers; to which having agreed, we have completed a treaty, by sea and land, on the terms desired of us, and the articles are inserted in a book, confirmed by our royal seal being affixed thereto.

We have ordered all our servants who command at our sea-ports to receive your vessels and citizens who shall come to our dominions, and treat them as we do the Spanish nation; and all our ports, from Tetuan to Wadnoon, are open to you, at any of which your vessels may anchor in safety, and your people transact their business at their own pleasure. In answer to his Majesty the King of Spain, we have acquainted him with what has been done, and we remain in perfect peace and tranquillity with you.

Concluded the first of the blessed month of Ramadan, in the year 1200.

I certify the above to be a true copy of the translation made by Isaac Cardoza Nunes, interpreter at Morocco, of a letter from the Emperor of Morocco to the President of Congress, which was dated the first day of the Ramadan, 1200, being the 28th June, 1786.

THOMAS BARCLAY.

No. 5.

Translation of a Letter from the Emperor of Morocco to the King of Spain.

In the name of the most merciful God. No power can exist on earth without the will of the most powerful and Almighty God.

From the servant of God, Mohamed Ben Abdelkack. May God be with him. Amen.

To his Catholic Majesty Charles the Third, King of Spain, the two Sicilies, and Indies. Peace to him who follows the right way of God.

This is to acquaint you that we have received the letter you sent to us by the American Ambassador, Thomas Barclay, Esq., by the contents of which we understood that the United States of America wished to establish a treaty of peace and commerce with us, which we have accordingly completed, by sea and land; and since you have been the mediator between us, we have given their Ambassador an amicable audience, and received him with pleasure and satisfaction; and we have agreed to all the articles of the treaty according to his desire, which we have confirmed by ordering our royal seal to be annexed thereto; and, having thus complied with all the wishes of the United States, their people are ready to depart for your place.

There will arrive to you seven of your people who suffered shipwreck on the coast of the Saharah; and the remainder of the crew, we trust in God, shall soon after follow.

Concluded the first day of the blessed month of Ramadan, in the year 1200.

I certify the above to be a true copy of the translation made by Isaac Cardoza Nunes, interpreter of Morocco, of a letter from the Emperor of Morocco to the King of Spain.

THOMAS BARCLAY.

No. 6.

Translation of the Letter from his Excellency Sidi Hage Taher Ben Fennish, to their Excellencies John Adams and Thomas Jefferson, Esquires.

Grace to God, who is the sole unity, whose kingdom is the only existing one.

To their Excellencies John Adams and Thomas Jefferson, Esquires.

This is to acquaint you that I am ordered by the Emperor my master (whom God preserve) to acknowledge the receipt of your letter, signed at London and Paris on the 1st and 11th October, 1785, which has been delivered into his own hands by the Honorable Thomas Barclay, Esq., who came to this court in order to negotiate an amicable peace between my master (whom God preserve) and all his dominions, and those of the United States of America. This matter has been happily concluded to the satisfaction of all parties. The contents of this treaty you will learn from your Envoy, the said Thomas Barclay, to whom his Imperial Majesty has delivered it, together with a letter for the United States.

I have likewise his Imperial Majesty's orders to assure you of his entire approbation of the conduct of your Envoy, who has behaved himself with integrity and honor since his arrival in our country, appearing to be a person of good understanding; and therefore his Majesty has been graciously pleased to give him two honorable, favorable, and impartial audiences, signifying his Majesty's perfect satisfaction at his conduct.

As I am charged with the affairs of your country at this Court, I can assure you that I will do all that lies in my power to promote the friendly intercourse that is so happily begun; and of the assistance I have already given in your affairs, your Envoy will acquaint you; and, concluding, I do sincerely remain.

Morocco, the first day of the blessed month of Ramadan, 1200.

Servant of the King my master, (whom God preserve,)

TAHER BEN ABDELKACK FENNISH.

I do hereby certify the above is a true translation from the Arabic language of the annexed letter.

ISAAC CARDOZA NUNES.

Morocco, 19th July, 1786.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Tangier, November 10, 1786.

Gentlemen,

I am at present waiting for a fair wind to embark for Ceuta to avoid the quarantine in Spain, and I embrace the delay occasioned by the strong easterly winds that have prevailed for some time to reply to the queries with which you honored me at parting. You put them respecting the Barbary States generally; but as my business has been with the Emperor of Morocco only, I shall confine myself to what relates to his dominions, and will state the answers in the order you put the queries.

COMMERCE.—The articles exported from this country are the gums arabic, sandrach, and senegal; beeswax, copper in blocks, Morocco leather, almonds, dates, figs, and walnuts. Lemons and oranges might be had, were there wood in the country to make boxes to pack them in. Great quantities of olive oil and oil of argan (a fruit somewhat resembling an olive) are exported, particularly to Marseilles, where it is used in making soap. Mules are exported to Surinam, and to other parts of America, both on the continent and among the islands; many of those animals passing from Constantina Mogadore by land, being a journey of one thousand miles. Elephant's teeth, gold dust, and ostrich feathers are brought from the southward by the people who trade as far as to the river Niger, and are sold and shipped at Mogadore, the most southerly port in the empire, except Santa Cruz, from which last place the Emperor forbids any foreign trade to be pursued; and from Mogadore and Daralbeyda the export of wheat is very great. Morocco imports from Spain, Portugal, and Italy, several of the manufactures of those countries, particularly silks, linens, and woollen cloths. With England and Holland the trade is more general, and comprehends not only the same kind of goods, but a variety of others, such as iron ware of various sorts, including tools made use of by workmen, tin ware, steel, iron in bars, copper utensils, ship chandlery, and cordage

for the repairing deficiencies in merchant vessels. Wine and spirituous liquors for the use of the Christians may be imported from any part of the world duty free; but the use is forbidden to the Mahometans; nor is there any thing in the country sold by measure but grain. They import rice from the Levant, which is of an inferior quality to the American rice, and I believe a little of this article might answer, and perhaps the consumption increase; but this is conjecture, for there is no answering for the taste of the Moors. Flour they have much cheaper than the price at which we can supply them. They raise a good deal of tobacco themselves, and some pretty good about Fez and Mequinez. None of it, however, is equal to ours, but the consumption of American tobacco would be confined to the Europeans, and consequently it would not prove of much consequence. Furs are not used here, and they want neither fish nor oil. Provisions of all kinds are cheap, and their sea-coast furnishes with abundance of fish for common use; and their Ramadan or Lent does not permit the use of fish more than of flesh, being a strict abstinence from all kinds of food or drink for about sixteen hours of the twenty-four. There is no demand for tar or turpentine, each merchant ship bringing as much as is likely to be wanted for the voyage, and the Emperor is supplied from the Baltic. Ship timber would certainly be a most agreeable object to the Emperor; but he is the only person in his dominions who would purchase it, and the price would be made by himself. He was anxious to know whether we had this article in America. Ready-built ships (that is, frigates properly fitted out for sea, and armed) would prove the most acceptable article that could be sent to him; but his making a purchase of any would depend on the opinion he had of the value. He some time ago encouraged the building of one at Genoa, and when she arrived at one of his ports, he rejected her on account of the price.

The duties of goods imported, with a few exceptions, are a tenth part of the goods. Foreign hides pay three dollars, and iron and steel four dollars per quintal; cochineal and alkermes are monopolized by the Emperor, and sold at a great advance on the price. The former is used in dying the Morocco skins, and the latter in dying the caps, such as the soldiers and many of the inhabitants wear. Ostrich feathers are a monopoly in the hands of a Jew at

Mogadore, without whose permission none can be exported. Offences committed against the interest of the revenue are punished by fine imposed by the Emperor, sometimes with great severity—never with less than the crime deserves. All countries pay the same duties, but the King will sometimes favor an individual by the remission of part of the ordinary duties, in return for some service, or as a mark of his approbation. The Moors are not their own carriers, nor are there any trading vessels under the colors of the Emperor. From this short statement it will appear that a few of the articles produced in Morocco are wanted in our parts of America, nor could anything manufactured here find a sale there, except a little Morocco leather, which is very fine and good, and the consumption of it in the Empire is almost incredible. They make some gold and silver thread at Fez, and in various parts of the country coarse and fine stuff for alhaiques, a good many carpets, some coarse linen, and a great many red woolen caps; and these articles, I think, compose the whole of their manufactures, which, from the unskilfulness of the people who work at them, (the leather excepted,) are too dear for exportation. Still this country holds out objects to the Americans sufficient to make a treaty of peace and commerce a matter of consequence. Our trade to the Mediterranean is rendered much the securer for it, and it affords us ports where our ships may refit, if we should be engaged in a European war, or in one with the other Barbary States. Our vessels will certainly become the carriers of wheat from Morocco to Spain, Portugal, and Italy, and may find employment at times when the navigation of our country is stopped by the winter season; and we shall resume our old mule trade from Barbary to Surinam, and possibly to some of the West India islands. With respect to the prices of the exports of this country, I will add a list of them, together with one of the duties.

PORTS.—I will enlarge a little on this subject, by giving you a general idea, not only of the best ports in the Empire, but of all that are of any consequence, omitting Waladia, Azamor, and some others, which in no degree, in my opinion, deserve to be ranked in the number. I will begin with the most southerly, which is the only one of them which I have not seen.

SANTA CRUZ is the only seaport in Sus, and is situated about ninety miles to the southward of Mogadore, and six from the western extremity of Mount Atlas, between the end of that mountain and the

sea, from which it is distant half a mile. It is placed on the declivity of a hill, and cannot be injured by any shipping. There are no fortifications, nor any guns mounted, except two for signals. The road for vessels is open, but the anchorage good, being a hard, sandy bottom, and the depth of water so gradual that ships may anchor in such as suits them best. There are about two thousand houses in the town, and the trade was very considerable until the Emperor ordered the port to be shut up. It was the mart for all the commodities of Tafieta and Sus, and is the thoroughfare through which the inhabitants of the sea-coast pass to those kingdoms or to the Saharah. The trade is now removed to

MOGADORE, a town built by order of the present Emperor, containing two thousand houses and eleven thousand inhabitants, as appears by an account taken previous to a distribution of corn being made a few months ago by order of the Emperor. About a mile from the shore runs a tongue of land called the island of Mogadore; and between the land and the island the ships anchor, and may pass in safety if they draw no more than fifteen feet water, (some say sixteen feet.) The island proves a considerable shelter for them, but a strong southerly or southwest wind incommodes them much, occasioning a swell in the channel, which is sometimes dangerous; the bottom is hard and rocky, and it is necessary to put buoys to the cables, to prevent them from cutting. The town is defended by two batteries, one of nine iron and thirty-three brass cannon, twenty of which are fine Spanish guns left at Gibraltar in the last siege; the other, of either five or six iron guns, and twenty brass, and thirty-three more may be mounted. On a rock to the northward of the town is a battery of ten guns, and on the main land, to the southward, one of sixteen; another of ten guns is now building, and on the island are five little forts of five guns each. The Moors consider Mogadore as a strong place, though some people think that all the batteries being of stone is a great disadvantage. Many of the guns, all of which are about eighteen-pounder cannon, are yet unprovided with carriages; but the town being a place much esteemed by the Emperor, he is doing everything in his power to strengthen and improve it. The number of guns actually mounted is one hundred and eighteen or one hundred and nineteen.

SAFIA.—This town is situated on the side of a hill, about two miles from the southerly point of Cape Cantin. It was once a place

of importance, but it is now decaying very fast, and at present the inhabitants are interdicted from all foreign trade. The anchoring ground is very good, in water which varies in depth from twenty-five to forty fathoms, but there is little shelter, (indeed, almost none;) and if it blows hard, as it sometimes does in winter, ships must put out to sea for security. The principal fortification is founded on a rock, and capable of mounting a great number of cannon. There are three iron and five brass guns mounted, of about eighteen pound shot; the brass guns were made at Constantinople, and ten or twelve small guns lie unmounted. It is a place of little strength as it now stands, and is reduced from four thousand houses, which it is said to have contained, to about eight hundred.

MASAGAN was one of the strongest places in Barbary, when in the hands of the Portuguese, about eighteen years ago. The Emperor, learning that orders were come from Lisbon that the town should be evacuated, and the fortifications destroyed, marched with a considerable army and train of artillery, and, while the inhabitants were executing the instructions from their Court, bombarded the place, so that, between the two parties, it was left in a state of desolation. Of fifteen hundred houses, it retains about four hundred of the meanest, that were most easily repaired. The ruins, however, show that it was a place of consequence. Ships of any draught of water may lie at some distance from the town, the soundings being gradual, and the anchoring ground good. But there is no shelter, and, if it blows hard, the ships must run out to sea.

DARALBEYDA is at present remarkable for the great export of wheat which has taken place there within twelve months, and which has amounted, perhaps, to half a million of bushels. It is a poor place, containing four or five hundred miserable huts. The anchoring ground is good in some parts, with a sandy bottom in twelve fathoms water; in other parts the bottom is stony and rocky, and in winter is dangerous.

RABAT is built on the banks of the Buragrag, where that river enters the sea, and divides it from Salee, which is on the opposite shore, at about a mile distance. Rabat contains about twenty-five hundred houses, and is one of the best looking towns I have seen in Barbary. The entrance into the river is much obstructed by a bank of said which runs across the mouth of it, and which is constantly shifting. At ordinary tides, vessels drawing eight feet water may

pass, and, at spring tides, those of twelve; but sometimes loaded vessels in the river are obliged to remain three or four months for a passage out, which they can only have by the shifting of the sands. There are three forts at this place; one, on a point which commands the entrance of the river, of ten guns; and two on the sea-shore, one of which is of eight and the other intended for sixteen guns, of which three only are mounted. There is also a castle or fort, without guns, upon the hill on which the town is built.

SALEE is built on an eminence on a point of Buragrag. At its entrance into the ocean, opposite to Rabat, it is defended towards the sea by a battery of eight pieces of cannon, and is surrounded by a double wall. The streets are narrow and dirty, and the houses mean; the number being about twenty-five hundred. As the navigation is in common with Rabat, what has been said in the last article need not be repeated. This place, which has been long famous for its depredations against the Christians, seems to be declining fast; but the same observations were made on it some centuries ago.

MAMORA is situated on a high rock, on the southern side of the river Cebu, a mile above its entrance into the sea, and where the river is about half a mile broad. It was formerly a place of considerable importance, but is now in the last stage of desolation. There are the remains of two fortifications almost entire, and which seem to be built since the town has been destroyed. One of them is near the sea-shore, and on the declivity of a rock; once mounted twelve guns, and at present has three of brass and one of iron mounted. The other fort stands higher up, was once of the same strength with the former, but is now without guns. The remains of the walls, ditches, and defences show that this was once deemed a place of consequence, though a bar runs across the mouth of the river that prevents the entrance of large vessels, as the Portuguese experienced in an expedition which they made against it in the year 1515.

LARACHA.—It is a strong place, but not of considerable extent, situated on the top and declivity of a hill facing the port where the ships lie. It is a barred harbor, with a narrow channel sufficient for one vessel to pass; and ships bound in must keep the shore, as a seaman would term it, close on board on the starboard hand. At common tides there are twelve feet water on the bar, and in spring tides depth sufficient for any vessel, which can lie safe in the port,

well defended from any winds, and where sixty or eighty sail may take the ground in soft mud without any injury. The channel is defended by three forts; the one farthest from the town of eight guns, the next nine, and the other three; and every vessel going into the harbor must pass along close by these guns. On the entrance into the harbor is a pile of batteries raised over each other in three stories. Each battery consists of twenty guns, but the only ones mounted are sixteen brass of about sixteen pound ball, which guns are in the middle battery. This pile has an air of great strength; but part of the middle battery having sunk near two feet, I think the whole work must be greatly weakened by this misfortune. On a parallel with this middle battery runs a small one of three guns; on an angle, one of eleven; and below, nearly on a level with the sea, one of nine; so that the number of batteries are nine, and that of guns, if all were mounted, would be one hundred and three; but of these, perhaps fifty are wanting. There are, however, a considerable number of guns scattered about without carriages, and, from appearances, there seemed to be little apprehension of a necessity of using any. The last attack on this place was made by the French in 1768 or 1769, when they forced their way in boats, under the cover of their ships, into the harbor, with a design to destroy the shipping; but the tide going out, left them a prey to the Moors, who never make prisoners on such occasions. I think the French lost four hundred and thirteen men, being about one half of their whole number, the rest remaining on board the ships; and the Emperor ordered their heads to be sent to Morocco, where he paid two ducats apiece for about two hundred that were preserved for him. I saw ten or twelve Moors at Laracha who assisted in repelling this invasion, and who spoke of it with great seeming pleasure. The people supposed the French were come to possess themselves of the country, and took up arms very generally to oppose them. A strong citadel once commanded the harbor. It is situated on a hill, with a ditch surrounding a part of it, but it is tumbling to ruins. The inside of the walls contains nothing but narrow alleys, across which a great number of low arches are turned, the use of which I could neither learn nor conjecture, and a great many miserable huts.

ARZILLA is a little walled town that has seen better days. The houses, in number two or three hundred, are going fast to decay, as

well as the fortifications. The walls have been strong, and are encompassed with a ditch. There are three or four guns mounted, and on a fort which lies some distance from the town, six or eight. Over one of the gates are the arms of Spain. A reef or ledge of rocks runs along the coast, but it is broken so as small vessels may pass in, and large ones may anchor on the outside in ten fathoms water; but there is neither port nor shelter.

TANGIER is one of the most ancient cities in Barbary; it has undergone many revolutions, and was once a place of splendor and commerce, the whole country distinguishing itself from the name of the city.

The King of Portugal took it in 1471, and in 1662 it was delivered to Charles the Second, of England, as part of his wife's dowry, and it was by that monarch improved at an expense of two millions sterling. In 1684 it was destroyed and abandoned by the English; the mole, where a first-rate man-of-war could ride in safety was, with incredible labor, destroyed; the fortifications and walls were not only blown up, but the ruins tumbled into the harbor; in short, in about six months the English made a considerable progress in the destruction of the port, which has since remained in the quiet possession of the Moors. The town is placed on the right-hand side of the entrance into the bay, on a hill, two miles from the sea, and about five miles distant from an opposite point, on which a battery of ten guns is placed. The form of the bay is that of the third part of a circle, and the number of houses in the town about eight hundred, said to be half as many as were in it when the English had possession; at present, small vessels may come in and lie ashore on a soft beach, without danger, but large ones must anchor at a distance in the bay, and, in case of blowing weather, must put to sea for safety. The batteries here are—one almost level with the sea, and consisting of thirteen guns of twelve or fourteen pound ball; the rest are on the hill, viz: one of nine brass guns of about twenty-four pound shot, cast in Portugal, and three more may be mounted; a second of twelve new iron guns of twenty-four pound shot, cast in England, and seven more may be mounted; another of seven iron guns of twelve or fourteen pound shot. exclusive of these are two little batteries of two guns each. The battery which was situated on the top of the hill, near the castle where the Basha resides, and which contained eighteen guns of

sixteen pound ball, was totally destroyed about twelve months ago by the blowing up of the magazine where the Emperor's powder was stored; all the fortifications are going to decay, and seem very unequal to a contest of any consequence. Tangier is about seven miles from Cape Spartel, and, consequently, may be said to be within the straits leading to the Mediterranean.

TETUAN is situated to the eastward of Ceuta, which lies between Tangier and that place; but, being in the hands of the Spaniards, (as well as Melilla and Penon de Velez,) does not come under my notice. Tetuan lies on the river Marteen, about six miles from the Mediterranean sea, the custom-house at Marteen being about half way between the city and the sea. Across the mouth of this river also runs a bar on which there is only six feet water; and as there is little tide here, the depth never exceeds eight feet, and seldom is so much. Vessels must therefore lighten on the outside of the bar, and can then pass up the bay and river three miles to the custom-house, and from thence to town; no boats but small ones with fruit, can go, owing to the shallowness of the river. The town is built on a hill at the foot of a mountain, and has only one fort or citadel, flanked with four towers, and mounting twenty cannon to defend it. The houses are said to be about two thousand five hundred, and the inhabitants, exclusive of Jews, twenty thousand; but the estimation a few years ago was double this number. No Christian is permitted to enter the city, and, therefore, this account of it depends on the veracity and knowledge of some Jews who visited me at my encampment near it. On the river Marteen, within half a mile of the Mediterranean, is a square castle, at which five guns of sixteen pound ball are mounted.

From this view of the ports belonging to the Emperor, it will be seen that none are good; that Laracha is the best. Next to which are, I think, Salee and Tetuan; but I believe the place from whence I write might, with great abilities and industry, and at a great expense, be made a most valuable sea-port. I think, also, that Masagan might be made a place of great importance.

NAVAL FORCE.—The whole naval force of this country consists of ten frigates, carrying one hundred and seventy guns, which at present are employed in this manner:

1 at Daralbeyda, of eighteen guns, six-pound ball.

4 sailed from Laracha for Daralbeyda, of sixteen guns, to load corn and barley for the Emperor to distribute among his subjects.

1 at Laracha, of 22 guns,	}	six-pound shot.
1 at do. of 14 do.		
1 at do. of 12 do.		

four-pound do.

2 gone to Constantinople, with presents of saltpetre and silver to the Grand Seignior, of 20 guns each.

This is the state of the Emperor's fleet at present; and the five frigates which are to take in grain at Daralbeyda, are those the Commodore informed me some time ago that were to go on a cruise. His ten half-galleys which I saw at Marteen are laid up on shore, irrecoverably perished. He has, however, given orders for building some galleys and half-galleys, two of which are on the stocks here. The number of seamen employed is about seven hundred and ninety-eight men, and one thousand apprentices; and he can increase the number as much as he pleases by ordering his Governors to put others on board his vessels. A few days ago he made a general request to all foreign Consuls that each of their nations should send ten seamen to improve his people in the art of navigation, promising to pay each person who will come half as much more as he receives in his own country. He has not any treaty of peace with Russia, Hamburg, Dantzic, or Malta, but he wrote some days ago to the sea-ports that he was not at hostilities with any nation whatsoever, except the United States. The resources for increasing his navy are not internal. At least they depend chiefly on his neighbors. He has a good deal of small live-oak and cork wood; which last is esteemed very good when cut in a proper time and seasoned, and the properties of the former are well known. The prizes that are brought in also furnish timber for the building, and are broken up for that purpose. The rigging, sail canvas, anchors, ship chandlery tar, pitch, and turpentine, are furnished by Holland, England, and Sweden; and his frigates are often repaired at Gibraltar without any expense to him; and one returned from thence since we left Morocco, the fitting out which cost the British seven thousand pounds sterling. The season for cruising is in the summer, or rather from April to September; and the grounds to the northward as far as the coast of Portugal; to the westward, off the Canaries and Western Islands, and in the Mediterranean. His frigates are in good order, and his seamen neither very excellent nor despicable.

PRISONERS.—There are not any prisoners or Christian slaves in the Empire of Morocco, except six or seven Spaniards, who are in the Saharah or desert, and whom the Emperor is endeavoring to

procure, that they may be delivered to their country. This part is not in strict obedience to the King, though governed by his son Abderhammon, from whom it is somewhat difficult to procure the release of Europeans that are cast away in those parts; and his Majesty has no way to get them but by encouraging the southern traders to purchase and bring them to Morocco, or to prevail on his son to send them. And here it will be doing a piece of justice to the Emperor, which he well deserves, to say that there is not a man in the world who is a greater enemy to slavery than he is. He spares neither money nor pains to redeem all who are so unfortunate as to be cast away, whom he orders to be fed and clothed, until they are returned to their country. The Venetian Consul told me that the King being some time ago possessed of sixty Christians, the Consul had a commission sent to him to redeem them, at an expense of one thousand dollars each; but when his Majesty was applied to, he answered that he would not sell them, but that the Grand Master of Malta (with whom he was *not* at peace) having liberated some Moors, these Christians should be delivered up as a compliment to him. At another time his Majesty made a purchase of some Moorish slaves, who were in the possession of the Christian Powers on the coast of the Mediterranean, for whom he paid one hundred and sixty thousand dollars, without showing any regard to which of the Barbary States they belonged, and set them all at liberty without any condition whatever. The expense of redeeming slaves in the days of Muley Ishmael and Muley Abdallah was about one thousand dollars a head, or three Moors for one Christian.

TREATIES.—I do not think there is any danger of the present Emperor's breaking any of his treaties intentionally, or in matters of consequence. He some time ago, however, settled the duty on the export of barley by treaty, with the British, and soon after increased it; the English merchants at Mogadore intended representing this matter to the Emperor, and did not doubt but it would be put to right. He said, not long ago, that if a European vessel took on board any of his subjects who went on a pilgrimage to Mecca, and landed them any where but in his dominions, he would go to war with the nation to whom the vessel belonged; and on being told that there was nothing in any of the treaties to prevent a European vessel from doing this, he replied, if that was the case, he would not break the peace, but it would be a peace without friendship. When

this Emperor dies, there will probably be great contentions; and I suppose treaties will avail little, either at sea or land, until these contentions are adjusted.

LAND FORCES.—The grandfather of the present King raised an army of one hundred thousand negroes, from whose descendants the army has ever since been recruited. But these standing forces, at different times, and for various reasons, have been reduced to the number of fourteen thousand seven hundred and sixty-seven, four thousand of whom are stationed at Morocco, and the remainder in seven regiments in the different provinces. Their pay, including the maintenance of a horse, is one ducat per month, ten fanegas of wheat, fourteen of barley, and two suits of clothes annually, and the King frequently makes distribution among their families; and whenever he sends any of them on particular business, such as conducting foreigners through the country, they are well paid. At the commencement of a campaign, he generally gives them ten ducats, and at the end of it five; and it is his inclination and endeavor to keep them satisfied. All his male subjects are born soldiers, and, in case of necessity, all who are able are obliged to attend him in the field.

I suppose the Emperor has fifty thousand horses and mules distributed through his dominions, which he recalls when he pleases, and places at pleasure in the hands of others. These are all considered as obliged to take the field at a moment's warning; and I have often heard, and I believe it to be true, that in a few weeks, should an invasion from the Christians be dreaded, (the fear of which is always accompanied by an idea that they come to take possession of the country,) the Emperor could bring into the field two hundred thousand men. But I doubt much whether he could equip half the number. The strength of this country certainly lies in his land forces, on their own ground, which would ever prove formidable in case of an invasion. Both regular troops and militia are extremely expert in manœuvring on horseback, at skirmishing, at sudden attacks, and at sudden retreats; but I apprehend they would cut but a bad figure in an open field against European troops. On this subject I can only add, that when the Emperor wants soldiers, he orders such of the Bashas to join him as he thinks proper, with the number of men wanted. The present Emperor has not had much occasion to call forth the strength of his country. In 1774 he went

against Melilla with eighty thousand militia, which I think was the greatest draught he ever made.

REVENUE.—The amount of this article is very fluctuating and uncertain. It consists of the following items :

Duty on exports, which varies according to the will of the Emperor.

Duty on imports, which is in the same state, but at present, taking it generally, is ten per cent.

Tax of ten per cent. on all the grain raised in the country, on the cattle and other moveable property, which, however, is rated so much in favor of the proprietors, that it does not produce one half the value.

Tax on each city according to its abilities.

Tax on tobacco brought into the cities ; of little consequence, being farmed at \$3,000 per annum.

Fines on the Bashas, or, rather, public officers, for offences of any kind.

Fines for smuggling goods, which are arbitrary.

Fines imposed on towns or provinces for revolting, quarreling with each other, or for offences committed by individuals when the offenders are not discovered.

Property which falls into the hands of the Emperor, at the death of any public officer whose account with the public is unsettled.

Proportion of prizes made at sea.

Profit on cochineal and alkermes.

Presents from foreign nations and from his own subjects.

There are a few other articles, such as coining money, &c., not worth enumerating ; nor does any knowledge of these, which I have mentioned, enable me to write as particularly about each as I could wish. The sum of four millions of Mexican dollars is, by many, thought a high rate to state his annual revenue at ; but Mogadore and Daralbeyda will pay, between them, one million of dollars in duties for the last year ; and I think the other places and other articles will certainly produce three times as much, though he receives no taxes from Tafilet, and little from Sus.

LANGUAGE.—The common language spoken in the sea-ports is the Moorish, which is a dialect of the Arabic ; the difference, either in speaking or writing, between the two being very little. A language is spoken in the mountains and in the eastern part of the Empire,

called Berebere (or, as it is usually pronounced, the Breber) tongue, and the European language that is the best known is the Spanish; for all the Jews, who are very numerous, speak it. French, Italian, and English are pretty equally understood, and rank after the Spanish.

GOVERNMENT.—The Government is that of absolute monarchy, without limitation. The Emperor is the supreme executive magistrate, in whom is united all spiritual and temporal power, and his people hold their lives and property totally at his will and pleasure.

The life of the meanest of his subjects cannot be touched, except in an emergency, but by his own order, or by the order of some Basha to whom he has delegated the power of life and death—a power he rarely places out of his own hands. Criminals from the most distant provinces are sent to Morocco, where the King hears the complaints against them, and as soon as he pronounces sentence it is executed on the spot; and this is always at an audience. When we left Morocco no execution had taken place for four months. This Court does not depend in any degree on the Ottoman Porte, nor any other Power whatever; but there is a strict friendship between the Grand Seignor and the Emperor, and as there is a possibility of a war between the Turks and Russians, the Emperor, thinking it a kind of common cause, being between Christians and Mussulmans, has shown his disposition lately to aid the Grand Seignor by sending him two twenty-gun frigates, with saltpetre and silver to a very considerable amount.

RELIGION.—The Moors of the Empire of Morocco profess the Mahometan religion and obedience to the precepts of the Koran; but the Emperor holds the power of dispensing occasionally with such as he thinks proper. Thus the exportation of corn, which is prohibited by the Koran, is permitted by the King. With respect to their piracies, I believe they do not proceed from any religious principle. It seems to be the general opinion that they took rise on the expulsion of the Moors from Spain in the reign of Philip the Third, when seven hundred thousand were banished from that country; that necessity and revenge first instigated them to commit depredations on the Europeans, and their hands were strengthened and hatred increased by their final expulsion in the reign of Ferdinand and Isabella, when seventeen thousand families joined their friends on the sea-coast of this side of the Mediterranean. A piratical war, begun against the Spaniards, was extended to the other Christian Powers; and all the

Barbary States have been enabled to support this war from the supplies given them by the maritime Powers of Europe, many of which seem contending with each other which shall enable the Moors most to injure the trade of their neighbors.

What I have said on this article I give as the best information I can procure; but it is not satisfactory, and I am persuaded the origin of these depredations is of a much older date; for early in the seventh century, the Spaniards made a descent on the town from which I write, to revenge the piracies committed by the people of this country.

CAPTURES.—No American vessel has been taken by the Emperor but one, which was commanded by Captain Irwin, and bound from Cadiz to Virginia. She lies on the beach at this place, and the Emperor ordered the Basha to deliver her and the cargo to me. But as I understand she had been insured in Spain, I did not choose to take her under my care. The Emperor has no treaty with Russia, Germany, Hamburg, Dantzic, or Malta. But there seems to be a cessation of hostilities with all the world. He had ordered five frigates to be fitted for sea, and I think it more than probable they were intended to cruise against the Americans.

Having thus answered the queries which you were pleased to make, I shall at present conclude with the assurance of my being always, with great respect and esteem, &c.,

THOMAS BARCLAY.

Prices of Goods in Mogadore, in June, 1786.

Wheat, 5 to 6 ounces the sal—duty, 1 Spanish milled dollar and 1 Barbary ounce per fanega.

Olive oil, 34 ounces per quintal—duty, 2 dollars 1 ounce per quintal.

Wool, 5 ducats per quintal—duty, 2 dollars.

Elephant's teeth, 30 ducats per quintal—duty, 4 dollars.

Beeswax, 27 ducats the great quintal of 150 pounds—duty, 15 dollars.

Gum arabic, 10 ducats—duty, 2 dollars and 1 ounce.

senegal, 14 do. do. the same.

sandrach, 6½ do. do. the same.

Copper, in blocks, 11 ducats—duty, 5 dollars.

Shelled almonds, 6 ducats—duty, 1 dollar and 1 ounce.

Mules for exportation, 30 to 35—duty, 10 dollars.

Red morocco skins, as in quality about 10 ounces per skin, duty free.

Coins.

The gold ducat 16 ounces—value, nearly 7s. 8d. sterling.

Silver ducat 10 do.—value, nearly 4s. 9½d.

The ounce of 4 blandquils, a silver coin worth nearly 5¾d. sterling.

The blandquilt of 24 fluces do.—value about 1½d. sterling.

The fluce, a copper coin—value, about ¼ of a farthing sterling.

Note.—When the ducat is mentioned in the prices of goods, the silver ducat is understood.

Weights.

1½ Mexican dollar make an ounce.

16 ounces, or 20 dollars, a pound.

10 pounds, or 200 dollars, the small quintal.

15 pounds, or 300 dollars, the great quintal.

Measure.

The condre or cala, 2½ of which make a French aune, or 1½ an English ell, nearly.

Measures for liquors, none.

No. 9.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Tangier, September 13, 1786.

Gentlemen,

Though in a letter, written at this place, dated 10th instant, I gave you a long answer to the questions with which you charged me, I will now add some further particulars on the subject of this country, which you will possibly be inclined to know. The Emperor is on the most cordial and friendly footing with Spain. The presents made him from that Court have been uncommonly great, and among other articles lately sent were eighty thousand dollars in specie.

It was some time ago debated in the council at Versailles, whether war should not be declared against Morocco for the treatment which the Emperor gave Mr. Chinie, the French Consul, when he was last at Morocco. The fact was that the Emperor wrote to Rabat, desiring to see the Consul at the Court; from which M. Chinie excused himself on account of his health, which the Emperor was informed was very good. Some time after the Consul went up to Morocco, with a letter from M. de Castries, in answer to one which the Emperor had written to the King of France; but the Emperor was so much offended at the letter not being from the King himself, and at Mr. Chinie for not complying with his desire to go to Morocco, that he would not look at it, but ordered it, at the public audience, to be tied around the Consul's neck, and dismissed him. The late pro-Consul of France has been very successful in reconciling matters, and the present Consul was very well received while I was in Morocco; the Emperor, however, strongly advising him to avoid the ways of his predecessor.

The Swedes are bound by treaty to send an Ambassador once in two years, and the presents are considerable, and very useful to the Emperor.

The Danes are bound by treaty to pay an annual tribute of twenty-five thousand dollars.

The Venetians by treaty also are bound to pay ten thousand chequins, being about twenty-two thousand dollars.

The presents from Holland are more considerable than those from any of the three last mentioned Powers, but they are not stipulated.

The English pay also very high without being bound to do so by treaty; and they enjoy at present very little of the Emperor's friendship or good wishes. There is not a nation on earth of which he has so bad an opinion, and I have heard him say they neither minded their treaties nor their promises. It would be going into too long a detail to mention all the particulars that gave rise to these prejudices, which may very possibly end in a war.

The Emperor of Morocco has no treaty with the Emperor of Germany, and has given notice to the Imperial Consul at Cadiz that, unless the Emperor of Germany sends him three frigates, he will cruise against his vessels.

With the Portuguese he is very friendly; their men-of-war come into this bay to get supplies of provisions and other necessities,

during their cruises against the Algerines; and a man-of-war of sixty-four guns, which is lying at anchor here for that purpose, will sail in a few days to join the Portuguese squadron of six vessels that are now in the Mediterranean, to prevent the Algerine cruisers from getting into the Atlantic. By the treaty between Portugal and Morocco, the Emperor is not to allow his vessels to cruize to the northward of Cape Finisterre.

I have already mentioned the situation of the Emperor with the Porte; with Tunis and Tripoli he is on very good terms, but a coolness has subsisted between him and the Dey of Algiers for some time; which began, I believe, upon the Emperor's having made peace with Spain without communicating with the Dey. I am told, however, that some late friendly overtures have been made from Algiers, which will probably reinstate the countries in their old situation.

The dominions of the Emperor consist of the kingdoms of Fez, Morocco, Tafilet, and Sus; and his influence extends a great way into the desert. Fez and Morocco are in many parts very fertile in corn, fruit, and oil; and any quantity of wine might be raised, but the use of it is prohibited. The last harvest has produced an increase of forty for one, (an assertion which, from examination, I know to be true,) and thirty for one is not deemed extraordinary. The resources of the country are great, but the cultivation of those resources slovenly to a degree. All the arts and sciences are buried in oblivion; and it appears almost impossible that these are descendants of the people who conquered Spain, ruled it for seven hundred years, and left some very striking memorials behind them in that country. The streets and houses in the city of Morocco are despicable beyond belief, with here and there the remains of something that, with the mosques, shows the city was once of more consequence. There are schools in all the towns, where reading and writing are taught, and in some places arithmetic, and, very rarely, a little astronomy; and these branches comprehend the learning of the Moors. The people seem to be warlike, fierce, avaricious, and contemners of the Christians. The Arabs, who dwell in tents, despise the inhabitants of the cities, but unite with them in their attachment to the sovereign. The Emperor is sixty-six years of age, according to the Mahometan reckoning, which is about sixty-four of our years. He is of a middle stature, inclining to fat, and has a remarkable cast in his right eye,

which looks blacker than the other. His complexion is rather dark, owing to a small mixture of the negro blood in him. He possessed, in his early years, all the fierceness of his ancestors, but, being intrusted by his father in public matters, he turned his thoughts on the art of government, and, during his father's lifetime, obtained absolute dominion, not only over the country, but over his father, who intrusted every thing to his management, approving even of those acts which he did contrary to his instructions; and the most perfect friendship always subsisted between them. It is about twenty-eight years since he ascended the throne, without a competitor; since which he has taken the utmost pains to conquer those habits and prejudices in which he was educated. One of his people, not long ago, making a complaint of some ill treatment he had received, and not meeting such redress as he expected, broke out into some language that the Emperor was not accustomed to hear; his Majesty, with great temper, said, "Had you spoken in such terms to my father or grandfather, what do you think would have been the consequence?" The King is fond of accumulating wealth, and distributing it. The sums he sends to Mecca are so extraordinary, that they occasion conjectures that he may possibly retire there one day himself. He is religious, and an observer of forms; but this did not hinder him, on a late journey from Salee to Morocco, to strike out of the direct road, and go to a saint's house, where a number of villains (about three hundred) had taken sanctuary, every one of whom he ordered to be cut in pieces in his presence. He is a just man, according to his idea of justice, of great personal courage, liberal to a degree, a lover of his people, stern, rigid in distributing justice, and, though it is customary for those people who can bring presents never to apply to him without them, yet the poorest Moor in his dominions, by placing himself under a flag, which is erected every day in the court where the public audiences are given, has a right to be heard by the Emperor in preference to any Ambassador from the first king upon earth, and to prefer his complaint against any subject, be his rank what it may. His families, which are in Morocco, Mequinez, and Tafilet, consist of four Queens;

Forty women, who are not married, but who are attended in the same manner as if they were Queens;

Two hundred and forty-three women of inferior rank; and these are attended by eight hundred and fifty-eight females, who are shut

up in the seraglios; and the number of eunuchs is great. The last Queen, whom he married two years ago, is now about fourteen or fifteen years of age, and his children are sixteen sons and seven daughters.

I shall conclude this letter with a short account of the two audiences I had. The first was a public one, at which there were about one thousand people present. The Emperor came out on horseback, and we were presented by the Basha of Morocco. After inquiring what kind of a journey we had, and whether we came in a frigate, he asked the situation of America with respect to Great Britain, and the cause of our separation. He then questioned me concerning the number of American troops during the war and since the peace, of religion, of the white inhabitants, and of the Indians; of the latitudes of the United States, and remarked that no person had sailed farther than the 80th degree of north latitude, and inquired whether our country produced timber fit for the construction of vessels. He then asked for the letters, and ordering the one from the King of Spain to be opened, he examined it, and said he knew the writing very well. He then looked at an alarm watch, which happened to strike, and asked several questions about it. He concluded by saying: "Send your ships and trade with us. I will do everything you can desire;" at which he looked round to his great officers and people, who all cried out, "God preserve the life of our master." He then ordered his gardens to be shown to us, and the American boy to be sent to me.

The second audience was in the garden, when the King was again on horseback; and as soon as we bowed to him he cried, *Bona! Bona!* and began to complain of the treatment he had received from the English. He examined a watch which was among the presents, and an atlas, with which he seemed very well acquainted, pointing out to me different parts of the world, and naming them, though he could not read the names as they were printed. He asked to see the map of the United States, which was among the others; and, after examining it, called for a pen and paper, and wrote down the latitudes to which his vessels had sailed; after which he put down the latitudes of the coast of America, desiring to know which were the best ports, and said he would probably send a vessel there. I presented him with a book containing the constitutions of America and other public papers; and one of the interpreters told him it also contained the reasons which induced the Americans to go to war with Great

Britain. "Let these reasons," said he, (looking over the book,) "be translated into Arabic, and sent to me as soon as possible." After some talk about tobacco, the day of the month, and the sun's declination, and saying he would order a bag of herbs of great and peculiar qualities to be sent to me, I informed him that I would appoint Mr. Francis Chiappi, of Morocco, as an agent to act in behalf of any American citizen who, coming to this country, may have occasion for his service, or to transmit to his Majesty, through Mr. Tahar Fennish, any letters or papers from the Congress of the United States, until the farther pleasure of Congress shall be known.

In this account of the audiences I have omitted some particulars which were of no consequence; and what I have related serves only to show the turn of thinking which the Emperor possesses, and the objects that engross his attention.

I have the honor to be, &c.,

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO MESSRS. ADAMS AND JEFFERSON.

Ceuta, September 18, 1786.

Gentlemen,

As you will probably wish to know the particulars of the negotiations of the treaty with the Emperor, and as the perusal will not take up a great deal of time, I shall lay them before you.

After the first audience was over, Mr. Tahar Fennish, in whose hands the negotiation was placed, came from the Emperor and informed me that his Majesty had read the translation of the letters; that he had made a treaty with Spain very favorable to that country; that he would write to his Catholic Majesty to give a copy of that treaty, from which one with the United States might be formed; and that he would either request the King of Spain to order it to be signed at Madrid, or it might be sent to Morocco for signature by express. I replied that I had taken a long journey in order to make this treaty, and that I would be very sorry to return until it was finished. If Mr. Fennish would give a copy of the Spanish articles, I would point out such as would be necessary for us, and I doubted not but we would soon agree upon them.

Mr. Fennish said that some of the papers were at Mequinez, and some at Fez, and that it would be impossible to collect them so as to

make them useful on this occasion. I answered, that if permission was given to me, I would lay before the Emperor, through him, the heads of such a treaty as I imagined would be perfectly agreeable to both countries; that if any objections should appear, we would talk them over, and, after due consideration, do what would seem right. To this Mr. Fennish agreed, promising his best offices to forward and settle everything on good and reasonable terms. The next day but one, the heads of the treaty, in Arabic, were put into the hands of Mr. Fennish, who showed them to the Effendi, by whom seven of the articles were objected to as highly unreasonable. They were, however, read before his Majesty and some of the principal officers of the Court, when all the articles, except four, were admitted without hesitation, and the next morning I received a message from one of the persons who was present at reading, with compliments upon the progress I had made, and taking to himself entirely the merit of removing three of the objections.

When the proposition for an exchange of prisoners was read, the King said, "This is not right. Why are the Christian Powers so averse to go to war with me? It is the fear of their subjects falling into slavery." To which the King's preacher replied, "These people deserve more indulgence from you than many others with whom you are in alliance; they are nearer our religion, and our prophet mentions those who possess their manner of worship with respect." Upon which the Emperor said, "Let this article be admitted." The next day I put the treaty at full length into the hands of the interpreter, to get it translated into Arabic; and in a few days, a rough draught in Arabic, formed from my draught, but much curtailed, was delivered to me by the Talbe, who had drawn it up by his Majesty's instructions, and who, though he had altered it in the form, preserved the substance. I caused this draught to be translated into English by one person, and into the French by another, and agreed to receive the treaty as it then stood; and I was the more anxious not to differ upon points of form merely, because I knew the Effendi, who is the chief officer at Court, wanted to embarrass me, and to draw the affair into a length of time, and to get it into his own hands; and this disposition had appeared on various occasions, indeed, on all that offered.

In the opening of the affair I was asked by the interpreter what I had to offer on the side of the United States, by way of presents in

future, or by way of tribute; to which I replied, (supposing the question might come from Mr. Fennish, on the part of the Emperor,) that I had to offer to his Majesty the friendship of the United States, and to receive his in return; to form a treaty with him on liberal and equal terms. But if any engagements for future presents or tributes were necessary, I must return without any treaty. I took care that those sentiments should be conveyed to Mr. Fennish, and nothing was afterwards said about it, nor a hint dropped that anything was expected. While the last draught of the treaty was making, I was told it would be proper that the delivery to me, in behalf of the United States, should be inserted; to which I very readily acquiesced, and wrote on a piece of paper what I wished should be added. When the treaty was finally put into my hands, sealed by the King, and not till then, did I see or suspect in what manner that insertion is made, and which I wish with all my heart was extinguished—at least one of the two.

Mr. Fennish being confined to his chamber, our papers fell into the hands of the Effendi, who, notwithstanding the Emperor had ordered them to be delivered, detained them under various pretences, but at length (without ever coming to an open quarrel) he sent them. When, on examination, we found the Talbe had omitted a matter of some consequence in one of the articles, the rectifying of which, and the getting the declaration made by Mr. Fennish by order of the King, took up a day or two. I was asked to sign an acceptance of the articles on the part of the United States; but as the treaty was not drawn up in the form expected, I excused myself, (without, however, giving any offence,) referring Mr. Fennish to Congress and the Ministers. It is a friendly well-intended treaty, given by the Emperor without much being demanded on his part. If it proves satisfactory, it will be proper for you, gentlemen, to give your sentiments of it to Mr. Fennish, and that Congress ratify it. And here, perhaps, it may not be unnecessary to say that Mr. Fennish, throughout the whole, as far as I can judge, has acted with the utmost candor and veracity, and I thought myself very happy in having been put into his hands.

When the business was over, the Emperor sent a message to me by Mr. Fennish desiring to know whether I had anything to ask, and (to repeat the words in which it was delivered) if I had, not to be ashamed or backward in doing it. I was prepared for this compli-

ment before I left Spain, and was advised to request a permission to export twenty thousand fanegas of wheat without duty, by which I should probably gain as many dollars; and, with great truth, I assure you that I am persuaded it would have been immediately granted; but I do not choose to end an embassy, begun avowedly on disinterested principles, by making such a request, especially as I was informed he would look on the United States as under some obligations for such an indulgence shown their servant; and as the professions of an inclination to give a mark of his approbation of the transactions were repeated, I accepted them, and pointed out the manner in which he might show the friendly disposition he had expressed. This was by his giving letters to Constantinople, Tunis, Tripoli, and Algiers, recommending to these several States to enter into an alliance with the United States, and by advising them to receive in the most friendly manner such agents and propositions as should be sent them from America. The Emperor immediately came into these views, and Mr. Fennish desired that I would draw up the form of a letter such as I wished should be written; which I did; and the indisposition of this gentleman was the reason given why I did not get them at Morocco. I wrote twice to the Emperor, and waited at Tangier for an answer, which I received from Mr. Fennish, saying the letters were not prepared; and at present I shall add no more than that the Emperor is perfectly well informed that I had no orders to ask such letters, and that, if there is anything wrong in having done it, it is entirely an act of my own. The treaty having been completed, his Majesty gave a written paper, not only describing our route, but the time we should remain at the principal towns. We came to this place to avoid a quarantine in Spain, and have been detained by some tempestuous weather. The commandant of the marine at St. Roque hearing we were at Tangier, and at a loss how to reach Spain without performing a quarantine, sent a vessel for us, directing the commander to attend us wherever we should choose.

I think it probable that you will not judge it necessary for me to go up the Mediterranean, as Mr. Lamb, I hear, has returned to Algiers—a circumstance that will make me very happy; for though I was not backward in offering my services, I was influenced only by the necessity I thought there was of doing something. Therefore, if I do not receive your decided orders at Cadiz to pursue these

African objects, I will embrace the first opportunity of embarking from Spain for America.

I beg leave to assure you of my being, with every sentiment of esteem and respect, &c.,

THOMAS BARCLAY.

No. 11.

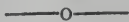
I, the underwritten, Thomas Barclay, agent for the United States of America at Morocco, having received from his Imperial Majesty a treaty of peace and commerce between his Majesty and the said United States, dated on the first day of the Ramadan, in the present year of the Hegira one thousand two hundred; and thinking it necessary that an agent residing at Morocco should be appointed, to take proper care of all matters relative to such of the citizens of America as may possibly arrive in any part of the Empire of Morocco, and shall have occasion to apply for aid or assistance to such agent, as also that a fit and proper channel may be formed whereby all public papers relative to America may be transmitted to his Majesty, until the will and pleasure of Congress be known: I do hereby, with the consent and approbation of his Imperial Majesty the Emperor of Morocco, constitute and appoint Mr. Francis Chiappi, of the city of Morocco, agent for the United States, until the pleasure of the honorable the Congress of the United States touching this matter shall be further known.

In testimony whereof I hereunto put my hand and seal, dated Morocco, the fifteenth day of July, in the year of our Lord 1786.

THOMAS BARCLAY.

The same to *Joseph Chiappi*, who is Consul for Genoa and Vice Consul for Venice, constituting him agent at Mogadore.

The same to *Girolamo Chiappi*, who is Consul for Venice and Vice Consul for Genoa, constituting him agent at Tangier.



REPORT OF SECRETARY JAY ON THE TREATY WITH MOROCCO.

Office for Foreign Affairs, May 1, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred the treaty lately concluded with the Emperor of Morocco, reports:

That it will, in his opinion, be proper for Congress to ratify the said treaty in the manner and form following, viz:

The United States of America in Congress assembled to all who shall see these presents, greeting.

Whereas the United States of America in Congress assembled, by their commission bearing date the 12th day of May, 1784, thought proper to constitute John Adams, Benjamin Franklin, and Thomas Jefferson, their Ministers Plenipotentiary, giving to them, or a majority of them, full power to confer, treat, and negotiate with the Ambassador, Minister, or Commissioner of his Majesty the Emperor of Morocco, concerning a treaty of amity and commerce, to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled for their final ratification; and by one other commission, bearing date the 11th day of March, 1785, did further empower the said Ministers Plenipotentiary, or a majority of them, by writing, under their hands and seals, to appoint such agent in the said business as they might think proper, with authority, under the directions and instructions of the said Ministers, to commence and prosecute the said negotiations and conferences for the said treaty, provided that the said treaty should be signed by the said Ministers: And whereas the said John Adams and Thomas Jefferson, two of the said Ministers Plenipotentiary, (the said Benjamin Franklin being absent,) by writing, under the hand and seal of the said John Adams, at London, October the 5th, 1785, and of the said Thomas Jefferson, at Paris, October the 11th, of the same year, did appoint Thomas Barclay agent in the business aforesaid, giving him the powers therein which, by the said second commission, they were authorized to give; and the said Thomas Barclay, in pursuance thereof, hath arranged articles for a treaty of amity and commerce between the United States of America and his Majesty the Emperor of Morocco, which articles, written in the Arabic language, confirmed by his said Majesty the Emperor of Morocco, and sealed with his royal seal, being translated into the language of the said United States of America, together with the attestations thereunto annexed, are in the following words, to wit:*

And whereas the said John Adams and Thomas Jefferson, Ministers Plenipotentiary aforesaid, by writing, under their respective hands and seals, duly made and executed by the said John Adams

* For the treaty and additional article see Journals of Congress, pp. 756 et seq.

on the 25th January, 1787, and by the said Thomas Jefferson on the 1st day of January, 1787, did approve and conclude the said treaty, and every article and clause therein contained, reserving the same, nevertheless, to the United States in Congress assembled for their final ratification.

Now, be it known that we, the said United States of America in Congress assembled, have accepted, approved, ratified, and confirmed, and by these presents do accept, approve, ratify, and confirm the said treaty, and every article and clause thereof.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness his Excellency Arthur St. Clair, our President, at the city of New York, this —— day of May, in the year of our Lord 1787, and in the eleventh year of our sovereignty and independence.

All which is submitted to the wisdom of Congress.

JOHN JAY.

REPORT OF SECRETARY JAY ON PAPERS ACCOMPANYING TREATY.

Office for Foreign Affairs, July 27, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom were referred the papers which accompanied the treaty with Morocco, reports:

That one of these papers is a letter from the Emperor of Morocco; and that, as Congress has been pleased to ratify the treaty made with him, it will, in his opinion, be proper to return the following answer to it:

“Great and magnanimous Friend,

“We have received the letter which your Majesty did us the honor to write, dated the first of the month of Ramadan, 1200.

“We have likewise received the treaty concluded in our behalf with your Majesty; and we have expressed our perfect approbation of it by ratifying and publishing it, and ordering it to be faithfully observed and fulfilled by all our citizens.

“It gives us great pleasure to be on terms of peace and amity with so illustrious a Sovereign, and we flatter ourselves that the commerce of these distant regions with your Majesty’s dominions will gradually

become more and more beneficial to both, especially after our navigation shall cease to be interrupted by the unprovoked hostilities of the neighboring States in Africa.

“Your Majesty’s early and friendly attention to these new and rising States, the obliging manner in which you received and treated our negotiator, Thomas Barclay, and the liberal and disinterested terms on which your Majesty entered into treaty with us, are strong and shining proofs of a great mind—proofs which will remain recorded in our annals, and which will always render your Majesty’s name respected and glorious in these western countries.

“These distinguished marks of your Majesty’s good-will towards us inspire us with perfect confidence in your friendship, and induce us to request your favorable interposition to incline Algiers, Tunis, and Tripoli, to peace with us on such terms as may consist with our honor, and with the circumstances of our new and distant States.

“Should your Majesty’s mediation be the means of putting the United States at peace with their only remaining enemies, it would be an event so glorious and memorable, that your Majesty’s reign would thence derive additional lustre, and your name not only become more and more dear to our citizens, but more and more celebrated in our histories.

“We, your Majesty’s friends, pray God to bless you.

“Done by the United States in Congress assembled, at the city of New York, the ——— day of ———, in the year of our Lord 1787.

“ARTHUR ST. CLAIR, *President.*”

Your Secretary further reports that from the paper No. 5,* and from Mr. Barclay’s letter of 15th November, 1786, as well as from various other documents, it appears that his Catholic Majesty has, in the most friendly and effectual manner, interposed his good offices in behalf of the United States with the Emperor of Morocco; and that to this interposition the success of their negotiations with his Imperial Majesty is, in a great degree, to be ascribed,

Therefore, he thinks it would be proper to

“*Resolve*, That Congress entertain a high sense of the friendship which his Catholic Majesty has manifested for the United States on various occasions, and particularly in the decided, kind, and effectual manner in which he facilitated and promoted their negotiations for a

* Translation of a letter from the Emperor to the King of Spain.

‘treaty of peace and commerce with his Imperial Majesty of Morocco, ‘as well by writing directly to the Emperor in their favor, as by ‘affording such collateral countenance and aid as circumstances ‘rendered expedient, and his desire of promoting the success of the ‘negotiation prompted.

“*Resolved*, That the thanks of the United States are justly due to ‘his Catholic Majesty. That they be conveyed in a letter from ‘Congress, expressing their acknowledgments in the most explicit ‘terms; and assuring his Majesty of their earnest desire to cultivate ‘his friendship by such attentions as occasions may put in their ‘power, and as may best evince the high respect, esteem, and ‘attachment with which such repeated marks of his friendship have ‘impressed them.”

Letter to his Catholic Majesty.

“Great and beloved Friend,

“Various circumstances having long delayed our receiving and ratifying the treaty concluded in our behalf with the Emperor of Morocco, we take the earliest opportunity of manifesting to your Majesty the high and grateful sense we entertain of that kind, decided, and effectual interposition of your Majesty with the Emperor in our favor, to which we are so greatly indebted for the successful issue of our negotiations with him. Permit us, therefore, to present to your Majesty our sincere and unanimous thanks for that important mark of your friendship, as well, as for the many other friendly offices with which your Majesty has, on various occasions, been pleased to favor us, and to assure you of our earnest desire to embrace every opportunity of evincing the respect and attachment with which your Majesty’s kind attentions to the United States have impressed us.

“We pray God to bestow the best blessings on your Majesty, your family, and people.

“Done by the United States of America in Congress assembled, at the city of New York, the —— day of —— in the year of our Lord 1787.

“ARTHUR ST. CLAIR, *President*.”

Your Secretary further reports that, from the paper No. 6, and others, it appears that Thomas Barclay, Esquire, has, in the conduct of the negotiation with the Emperor of Morocco, manifested a degree of prudence, address, and disinterestedness, which, in the

opinion of your Secretary, merits the approbation of Congress; and therefore he thinks it should be

“*Resolved*, That Congress are well pleased with the conduct of ‘Thomas Barclay, Esquire, in the course of the negotiations on the ‘part of the United States with his Imperial Majesty of Morocco, as ‘detailed and represented in his and other letters and papers trans- ‘mitted to them.”

Your Secretary further reports that, in his opinion, copies of the paper No. 6, which contains the signals agreed upon between the United States and Morocco, by which their respective vessels are to be known to each other at sea, should be sent by your Secretary to the Executives of the different States, to the end that copies may be given to such American masters of vessels as may thence make voyages, in the course of which they may expect to meet with cruisers from Morocco.

Your Secretary further reports, that the paper marked No. 8 contains some interesting information respecting the present state of Morocco, for which Mr. Barclay deserves credit; but he thinks it should not, at present, be published, lest those who may wish to embroil us with the Emperor should make an ill-natured use of it.

Similar observations are, in the opinion of your Secretary, applicable to the paper marked No. 9, which contains various matters of information.

The paper No. 10 contains divers particulars relative to the negotiation, which your Secretary also thinks had better not be published.

The paper No. 11 contains Mr. Barclay’s commission to Don Francisco Chiappi, at Morocco, constituting him the American agent at that place until the will and pleasure of Congress shall be known. It also contains the names of other agents, to whom he gave similar commissions for Mogadore and Tangier.

Your Secretary thinks these commissions should be confirmed, and therefore that it should be

“*Resolved*, That Congress approve of the appointment made in ‘their behalf by Thomas Barclay, Esq., with the approbation of his ‘Imperial Majesty of Morocco, of Don Francisco Chiappi to be ‘their agent at Morocco; of Don Joseph Chiappi to be their agent at ‘Mogadore; and of Don Girolamo Chiappi to be their agent at Tan- ‘gier; and that they respectively hold the said places during the ‘pleasure of Congress.”

In the opinion of your Secretary, it will be expedient to transmit the letter for his Imperial Majesty to Mr. Jefferson, to be by him forwarded to Don Francisco Chiappi at Morocco, with instructions to present it to the Emperor.

Your Secretary prefers sending it by way of France, because he thinks it might thence be conveyed with the Minister's despatches to their Consul with more care and safety than it could be sent with from London; and he thinks it most proper that it should pass through the hands of one of the Ministers, under whose direction the negotiation with the Emperor had been placed.

In his opinion it would also be proper to instruct their Ministers to maintain a regular correspondence with the said agents, in order that they and Congress may be seasonably informed of every event and occurrence at the Court of Morocco that may affect the interest of the United States.

It appears from the paper No. 10, that Tahar Fennish was a friendly and an important man in the conduct of the negotiation; and that the Emperor's consent to a material article in the treaty was owing to a friendly observation made by his *preacher*.

In the opinion of your Secretary, it is not only right in itself, but the most certain way to confirm and increase friends, to acknowledge and reward acts of friendship. He therefore thinks it might be well for him to write a letter to Tahar Fennish, letting him know that Congress have been informed of his attentions to the Envoy, and that they are exceedingly pleased with the probity, candor, and liberality which distinguished his conduct on that occasion. It might not, perhaps, be proper to advert too pointedly to his friendship for the United States, lest, in case accidents should happen to the letter, it might afford a handle against him to his enemies at that Court, for all influential men have enemies. A compliment might also be paid in the same letter to the liberality and benevolence of the Emperor's preacher. Your Secretary regrets that the finances of the United States will not admit of their making a present to Mr. Fennish, especially as he well deserves it, and as he resides at a Court where *sine donis, friget amicitia*. But although a present to him might not be a great object, yet the precedent would excite expectations in others, and in that way open a door to inconvenient expenses.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, January 27, 1787.

Sir,

I, last night, received from Lord Caermarthen a note of yesterday, a copy of which is enclosed, with a memorial to the Lords of the Treasury, a copy of which is enclosed, relative to sixteen Chinese seamen.

There is a practice beginning to be talked of, if not practised, for British merchants to procure some American merchant to metamorphose a British into an American bottom, to trade to the East Indies. This practice appears to me to be infamous and despicable, and to merit the immediate consideration of Congress. Of the particular case I know nothing, but Congress can have full information.

I am, dear sir, &c.,

JOHN ADAMS.

FROM LORD CAERMARTHEN TO JOHN ADAMS.

Whitehall, January 26, 1787.

LORD CAERMARTHEN presents his compliments to Mr. Adams, and has the honor to send him the enclosed memorial addressed to the Lords of the Treasury, and which he has received from their Lordships, as the contents of it appeared to them proper to be referred to the consideration of the Minister Plenipotentiary from the United States of America. Lord Caermarthen is persuaded that Mr. Adams will take such steps for the relief of the Chinese seamen, who have been brought to Europe in an American vessel, as he shall judge necessary, in order to convey them back to their native country.

PETITION OF JOHN HALES, RELATIVE TO THE EAST INDIA SEAMEN.

January 31, 1787.

To the Right Honorable the Lords Commissioners of his Majesty's Treasury.

The humble petition of John Hales, of the hamlet of Mile-End Old Town, in the parish of St. Dunstan, Stepney, victualler, most respectfully sheweth:

That the house of your petitioner, and his predecessor, Lysol Coleman, situate as aforesaid, hath for many years been accustomed to receive and provide for such East India seamen as the honorable

East India Company of England's ships have brought to England, until the season has arrived for their return.

That, about thirteen weeks since, he received eleven Chinese seamen and four Lascars from the owners of the *Lord McCartney*, (these lately arrived from China,) with orders to provide for them until the ships going to India were ready to receive them.

That, on the 29th, 30th, and 31st of December last, sixteen Chinese seamen came to their countrymen at his said house, all of whom paid a week's board beforehand.

That the said sixteen men informed your memorialist they came from India in the *Hyder*, or *Hydrea*, Captain Clarke, belonging to the United States of America, to Ostend, who discharged them there; which caused them to take passage to London, in hopes of obtaining a passage to their own country.

That their money being all expended, and not having any lawful means of obtaining any for their necessary support, and of returning to their native country, your memorialist has applied on their behalf to the honorable East India Company, who will not have any thing to do with them; as also to Mr. Adams, the American Ambassador, who likewise refuses to do any thing for them.

That, in consequence of such refusals, your memorialist applied to the right honorable the Lord Mayor on behalf of the said sixteen men, who referred him to the overseers of the poor of the said hamlet of Mile-End Old Town, who likewise refuse to provide for them; and as the men are not very orderly and regular, your memorialist submits to your Lordships the very great nuisance and injury the public would sustain from their being turned loose upon them, and into the street.

Your memorialist, therefore, humbly prays your Lordships will be pleased to take the hardness of their case into your Lordships' consideration, and grant such orders for the relief of the said sixteen Chinese seamen as your Lordships' wisdom shall seem meet and be judged expedient; and your memorialist, as in duty bound, will ever pray, &c., &c., &c.

JOHN HALES.

—O—

REPORT OF SECRETARY JAY ON PRECEDING LETTERS.

Office for Foreign Affairs, July 31, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of 27th January last, from the honorable Mr. Adams, with the papers referred to in it, reports:

That this letter calls the attention of Congress to two objects: the first of which is the case of sixteen Chinese seamen, who were then in London in a distressed condition, and who said they had come from India in the *Hyder*, or *Hydrea*, Captain Clarke, belonging to the United States, to *Ostend*, where he discharged them; the second is, “a practice then beginning to be talked of, if not ‘practised, for British merchants to metamorphose a British into an ‘American bottom, to trade to the East Indies.”

Whether it be right or wrong for an American vessel to discharge foreign seamen at this or that port, must at present depend on the agreement made with them when shipped; so that, without a knowledge of the agreement in the present case, the propriety of discharging these Chinese seamen at Ostend cannot be decided, especially as no complaint appears to have been made by them of their having been irregularly discharged. In the opinion of your Secretary, Congress cannot take any particular notice of this case.

As to the fraudulent practice mentioned in the second case, it seems doubtful whether it does really exist, or whether it is only talked of; and, therefore, in his opinion, the particular attention of Congress is not due to it. It is, however, most certain, that the trade of the United States to Asia, as well as to other parts of the world, should be subject to certain general regulations; but, at present, Congress cannot ordain such regulations and cause them to be observed; nor, while lawful requisitions remain neglected, is there much reason to expect that recommendation would prove useful or proper.

They who trade to distant nations may often find it convenient to employ seamen of the country, who should be encouraged to ship themselves by settled and proper regulations to facilitate their speedy and easy return to their own country; but as it is not in the power of Congress to take effectual measures for these and similar purposes, he thinks it best that they should not take any.

All which is submitted to the wisdom of Congress.

JOHN JAY.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, February 3, 1787.

Sir,

I wrote a few days since by Colonel Franks, who embarks in the French packet from Havre de Grace with the Morocco treaty.

There is no further intelligence of the Portugal business, nor any better prospect or more agreeable disposition in this country, whatever artifices may be employed in America to keep up delusive hopes.

Parliament opened with an uncommon gloom, and has been sitting in a mournful silence. Nobody dares oppose the French treaty, yet nobody seems to have any confidence in it. It seems truly a forced plant—something to appease France and amuse the people. The revenue is found to be greatly deficient. A new loan and fresh taxes are expected. A dead taciturnity prevails about America.

The gazettes are employed, and every coffee-house and bookseller's shop filled with talkers, to keep up the spirits of the people at any expense of truth. The holding of our frontier posts is found to cost Government more money annually than the whole trade is worth—nay, than the whole capital employed in it.

Mr. Pitt's plan for the session is not yet developed. They are skirmishing about Hastings and Rodney, who, I suppose, have nearly all the scribblers enlisted for or against them; yet Hastings must be acquitted, and I suppose Rodney remunerated, right or wrong. Such is the state of this nation.

Enclosed is a copy of the convention between France and England, which was sent me yesterday by Lord Caermarthen, and a letter from Mr. Hales relative to the East India ship, which it is supposed was made an American bottom, a practice which Congress will, no doubt, judge proper to discountenance.

As the politics of Parliament shall open to view, I shall do myself the honor to transmit you still further accounts of them.

By Colonel Franks I had the honor to convey to Congress my intention to return home at the expiration of my commission to this Court. A duplicate will go by this opportunity. A life so useless to the public, and so insipid to myself as mine is in Europe, has become a burden to me as well as to my countrymen. By the first packet or convenient merchant ship in the spring of 1788, I shall embark with my family, if my life and health enough to make the voyage remain to me, unless Congress should see fit to recall me sooner, which would be much more agreeable. It will be necessary that arrangements should be made as early as possible, and the pleasure of Congress signified whether the Secretary of Legation is to return with me, or remain longer here.

With great respect and esteem, &c.,

JOHN ADAMS.

FROM JOHN HALES TO JOHN ADAMS.

February 2, 1787.

Sir,

In obedience to your Excellency, I have made further inquiry respecting the American East India ship Hydrea, and have learned from Mr. Robinson, agent in Gould Square, Crutched Friars, that the owner lives upon Rhode Island, in North America. His name is Charles Champlin. It also appears, by the books at the Exchange Insurance Office, that in March, 1786, Mr. James Wilkinson, of Abchurch Lane, London, underwrit the said ship from Calcutta to Rhode Island.

JOHN HALES.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 24, 1787.

Sir,

I do myself the honor to transmit to Congress a letter from Mr. Harrison, with an account of disbursements for Captain Erwin and his associates, on their return to Cadiz from their captivity in Morocco. Situated as Mr. Harrison was, he had every motive of humanity and love of his countrymen to relieve their necessities; and it would be too severe, if not unjust, to leave the burden upon him. He is a gentleman of much merit, and I beg leave to recommend him and his claim to Congress.

With great respect, &c.,

JOHN ADAMS.

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FROM R. HARRISON TO JOHN ADAMS.

London, February 21, 1787.

Sir,

I take the liberty of herewith presenting to your Excellency a state of a claim I have against the United States for £72 12s. 8d. sterling. It arises from advances made by me in Spain, for the support of Captain James Erwin and his crew, who were captured in the American brigantine Betsey, in the month of October, 1784, by a Barbary corsair, and carried to Morocco, being, after a captivity

of about nine months in that country, at length liberated by the mediation of the Spanish Ambassador, and by him delivered to me as the only American character at Cadiz. Your Excellency, I humbly trust, will readily grant that I could not, consistently with the dignity and honor of the Republic, or with the feelings of a good citizen, refuse either to take charge of these unfortunate subjects, or to pay the expenses unavoidably incurred by so doing. If, therefore, it is a matter which comes in any degree within your Excellency's department, I hope you will be pleased to order my reimbursement here, which, though, strictly speaking, nothing more than an act of justice, I shall be ready to acknowledge, at the same time, as a favor.

I have the honor to be, &c.,

R. HARRISON.

—o—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, May 12, 1787.

Dear Sir,

I had the pleasure of writing you a few lines on the 2d of last month; since which I have received and communicated to Congress your letters of 9th, 24th, and 27th January, and 3d and 24th February last.

My health still continues much deranged, and I purpose, in a few days, to make an excursion into the country for about a fortnight.

A motion has lately been made in Congress to remove to Philadelphia, and the party who support it persevere in pushing it from day to day; they are not joined by a single member from either of the Eastern States, and yet there is reason to apprehend that they will carry their point. No other motive for this strange measure is *publicly* assigned by them except that Philadelphia is more central than New York. Several important affairs, which ought to have been despatched, have given place to this unfortunate contest, so that I can, by this conveyance, send you little of importance.

Accept my thanks for the book you were so kind as to send me. I have read it with pleasure and profit. I do not, however, altogether concur with you in sentiments respecting the efficiency of our great council for national purposes, whatever powers, more or less, may be

given them. In my opinion, a council, *so constituted*, will forever prove inadequate to the object of its institution.

With great and sincere esteem, &c.,

JOHN JAY.

P. S. A new edition of your book is printing in this city, and will be published next week. You will herewith receive the late newspapers.

—O—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, May 14, 1787.

Dear Sir,

You will receive, herewith enclosed, a copy of a letter to me from the Honorable D. Huger, Esq., a member of Congress, dated the 2d April last, together with the papers that were delivered to me by the Mr. Masters mentioned in it. As that gentleman is seeking redress in the course of judicial proceedings, the object of his application to me doubtless is that I may so far recommend his case to your attention and patronage as that he may derive from your public character that aid and protection which circumstances may render necessary and proper. This I do with pleasure, being well persuaded that occasions of being useful to our country or to any of its deserving citizens, will always be agreeable to you.

With great and sincere esteem, &c.,

JOHN JAY.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, April 10, 1787.

Dear Sir,

The public councils of this country, as far as they regard America, remain so exactly the same as to afford nothing new to communicate to Congress. The members of Parliament have been so long irritated and tormented on that subject, that they detest to hear the name of America mentioned; and the political system and national humor seems to be neither to speak nor think of it. A seemingly total inattention and silence prevail, and will prevail for some time.

Secret schemes, however, in abundance are concerted to plunder us in any way they can think of, besides the regular course of their commerce with us, which one would think rapacious enough.

An honest tradesman, whose name is Carpenter, an ingenious engraver, lately came to me from the remotest part of the city, to give me information that an unknown Scot had applied to him to engrave a plate for striking the paper bills of North and South Carolina. He laid a plan to get a witness to a future interview; but the Scot conceived a suspicion, and would not lay open his design. Colonel Smith, who attended for the purpose, desired the engraver to publish the fact in the newspaper, that the merchants here may be upon their guard. Carpenter went round to all the engravers in town, and found another to whom the same person had applied. Congress, or the delegates from North Carolina, will put that State upon their guard; for it is not at all improbable the design will be pursued by means of some other engraver of less honor than Carpenter.

There is a vast sum in circulation here of base copper, to the amount of several hundreds of thousands of pounds. Very lately these half-pence are refused every where—I suppose in consequence of some concerted scheme. And it is supposed that they will be all purchased for a trifle, and sent to the United States, where they will pass for good metal, and, consequently, our simple countrymen be cheated of an immense sum. The Board of Treasury may be ordered, without the avowed interposition of Congress, to give the alarm to our citizens; and the separate States would do well to prohibit this false money from being paid or received.

Colonel Smith will set off for Portugal in a few days, and at Versailles, Madrid, or Lisbon, will have an opportunity of learning more of the present politics of Europe that can be known here. A profound calm prevails through Europe at present, though the bulletin from Paris speaks of movements of the Empress against the Turks. Her own journey, however, is a strong proof that hostilities are not soon intended.

With great respect to Congress, and much affection for their Secretary, I have the honor to be, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, April 19, 1787.

Dear Sir,

I do myself the honor to enclose the new act of Parliament for regulating the trade between the territories of the United States of

America and the dominions of the King of Great Britain, by which Congress will see that the same system continues and is fortified with fresh provisions. Provisions and lumber, the growth or production of the United States, are now prohibited from any foreign island. The West India planters and merchants complain to no purpose.

The Canada merchants give out that there is some negotiation on foot between Lord Dorchester and Vermont, the object of which is to give vent to the productions of that territory, through Canada and the river St. Lawrence, that the West Indies may derive some assistance from that source.

Enclosed is another very curious bill that was moved in the House of Lords by one Chancellor, and seconded by another, (Thurlow and Bathurst;) but the Lords had honor enough to reject it. The project is said to have originated in General Arnold. The whole transaction shows the spirit of the present Ministry. The chance of passing such a bill would have been greater in the House of Commons, where the Ministers have a clearer majority. Some persons are of opinion that the present set cannot hold the reins much longer; but if they are not mistaken, there is little chance of a change for the better. What effect the changes in France may have cannot be foreseen; but they cannot but be favorable to America.

With great regard, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, April 30, 1787.

Sir,

Upon the receipt of the first of the enclosed letters from Doctor Wren and Mr. Mowbray by express, I made application to Government. Lord Sidney was absent, and Lord Caermarthen sick; but Mr. Frazier, the under Secretary of State, took up the subject with integrity and politeness. He discovered a real desire to do every thing that the laws would permit; to crush, in the beginning, this villanous attempt to counterfeit American paper currencies. He told me that a parallel complaint had been lately made by the Danish Ambassador of an attempt to counterfeit the bank notes of Denmark; and that upon consulting their most experienced magistrates and law officers, they were all of opinion that, until the counterfeit was completed, and the names signed, it could not be a capital crime, though an attempt might be a misdemeanor. He advised me to advise with Sir Sampson Wright, the most consid-

erable magistrate in Westminster. Sir Sampson engaged in the business with particular attention, and agreed to write to Sir John Carver, at Portsmouth. Upon the whole, it seemed to be necessary that some one should go to Portsmouth, and as Colonel Smith set out on the 24th of this month for Lisbon, I asked Mr. Cutting to accompany me to Portsmouth. We had the man brought out of prison to our lodgings. His name, he says, is Robert Muir, born in Scotland, but lately arrived from North Carolina. He is an artful, shrewd fellow, but with a mean, hungry, desperate appearance, suitable to any kind of atrocious villany.

We wished to discover his accomplices, but he would not answer. The grand jury found a bill; and, at my desire, the man is continued in prison until next term in July. His types and stamps and implements are all secured. In July, however, he will be set at liberty, for the crime could not be complete without the signature, if it could without passing the bill.

It is with a very high pleasure that I am able to say that the Government and the magistrates, both here and at Portsmouth, have, upon this occasion, conducted with perfect propriety and politeness. The crime is said to be an offence against the law of nations, against commerce, against private and public property, against the whole world, &c.: and all this is true; but still the laws are so very vague in this case, and as every punishment short of death, in such a crime, in this country, would be treated with ridicule, it may be most prudent to dismiss the fellow in July, destroying, or at least detaining, his implements.

Congress will determine what measures should be taken to advertise the people of America, that they may be upon their guard. I suppose this is the same Scot who, a few weeks ago, applied to Mr. Carpenter, an engraver in London, to engrave a plate for him, of which Carpenter had the honesty to inform me, as you have been told in a former letter.

With great regard, &c.,

JOHN ADAMS.

FROM DR. THOMAS WREN TO JOHN ADAMS.

Portsmouth, April 22, 1787.

Sir,

I had the honor of receiving your favor this morning, and have now to add to the former intelligence, that the man who had solicited

Mowbray to assist in a forgery is in custody in our town jail. He went to Mowbray repeatedly on Saturday evening, and was so urgent to have some notes worked off, that he proposed their working all night, for he fixed on going to assist Mowbray, saying that he had some little knowledge of the business, (though he appeared in the habit of a seaman,) and added, that they must take a thousand copies of such Carolina notes before morning; and, indeed, he always spoke of the number of notes wanted in this large way. Sir John Carter, the brother of Mr. William Carter, being come home from a journey, had him apprehended and examined; and this matter will now be transacted before Sir John, (as far as it can be transacted,) as he is the Mayor of the town. The man says his name is Moor, or rather, I think, Mure, and that during the last war he sailed out and in, as belonging to an American port. He was short and shy in his answers, but pleaded his cause before Sir John with a language and sagacity much beyond his appearance, saying "that 'he could not see what the magistracy of this country had to do 'with his *proceedings*, as it *affected* only the country beyond the 'Atlantic.'" He offered to deliver up all his papers, types, and implements, provided they would burn and destroy them before him, and set him at liberty. This was not granted him, and his papers that were found about him are all in the possession of Sir John or Mowbray, and will remain, sir, for your directions. He says that he has for these few days lodged at Mrs. Dart's, on Portsmouth Common, which is a suburb to this garrison, so large that Mrs. Dart is not yet discovered, though it is probable she may be. If any more papers are found at his lodgings, they will be kept with the others. This man has not been rambling about the country to meet with a printer whose appearance he should like, but he came down from London, and went directly to Mowbray, a man of considerable abilities in his trade, and of narrow circumstances. And when a small piece of border-block is wanting, he engages to have it down from London in two days, which is as soon as any person could have it, and proves that it was in London ready cut. It is evident to me that he has several associates in London, and that he is aiming to be a large dealer; both which circumstances should, I think, excite the attention and inquiries of our Government. From the number and variety of the notes of the United States which he had in his possession, and the large edition which he meant to print, I think it is probable that he has been employed in America in some branch of

that department, in which he now manifests but too much skill. He is not a sailor by profession. Care is taken that he does not want good sufficiency of provisions; but he is not allowed pen, ink, and paper, nor any visitor whatever except the head jailer. W. Mowbray was to have sent me up an account of the papers and things left with him, or found on the man; but if it does not come soon, I must omit sending it till next post.

I am, sir, &c.,

THOMAS WREN.

P. S. Mr. Mowbray has sent his paper, but it is rather badly drawn out. Moor, Mure, or Muir, is a tall, thin man, five feet nine inches high, with dark-brown hair, tied behind—native of Scotland. He came from Charleston, South Carolina, in January last, in the ship John, Samuel Purchase, master, and arrived in London in March; says he was cook of the vessel; but this is doubted.

Ten different wood-cuts, which together form the borders of two notes of North Carolina currency, one of one pound, the other of five shillings. A quantity of metal flowers, cast by Mr. William Caslon, letter founder, Chiswell street, London, which will make the same impression as on the reverse sides of the above, and other notes which he wanted to have counterfeited.

The following is a copy of Mr. Caslon's bill, found on the person:

London, April 12, 1787.

Mr. ———

Bought of William Caslon,

	s.	d.
2 lbs. 8 oz. of great primer flowers at 1s. per lb.....	2	2
3 " 13 " small pica, at 1s. 6d. per lb.....	4	5½
2 " 15 " long primer, at 1s. 6d. per lb.....	4	5
9 " brevier, at 2s. 6d. per lb.....	1	5
	12	9½

Received for William Caslon,

E. WHITE.

Part of the long primer flowers having been much used, supposed to be taken from some printing office. A card on which are fixed specimens cut from the originals of the ornaments required to go round the reverse sides of the notes.

An original five shilling (suppose) note North Carolina currency, the subscriber's name to it obliterated.

Another note, No. 17459, signed J. Hunt, B. McCulloch.

A sixpenny note, signed J. Hunt, No. 1356.

A five shilling Charleston note, No. 3004, subscriber's name cut out.

A two shilling note, No. 11849, signed J. Hunt and B. McCulloch.

A twenty shilling note.

They appear to be all printed by Thomas Davis, of Halifax.

FROM WALTER MOWBRAY TO JOHN ADAMS.

Sir,

As the intelligence I am to communicate is, in my opinion, of the highest consequence to the mercantile interest of America, I presume any apology for the freedom I take in writing to your Excellency is unnecessary.

The discovery I am to make is an intended forgery of the paper currency of America, so ingeniously executed as to elude discovery. One of the persons concerned in this nefarious business has applied to me to print off a considerable number of notes of different provinces; I gave him such an answer as inclined him to believe I would comply with his request, that I might have it in my power to destroy, in embryo, a scheme artfully calculated to invade private property, and materially injure the credit of a commercial nation. He went away satisfied, and returned in a few hours with a wood-cut of one of the notes, an exact copy of the original, and metal borders precisely the same as those on the reverse side. He had sundry other notes with metal ornaments, which he also wanted impressions of. He is meanly dressed as a sailor, and apparently ignorant; but his habits and conversation have the appearance of disguise.

There is no doubt but that he has accomplices in London; for, on discovering a deficiency of two articles in the border for a note of which he wanted one thousand copies, he informed me he would send to town for them. The wood-cuts and metal borders are so nicely imitated as to render a discovery of the forgery extremely difficult.

I am, &c.,

WALTER MOWBRAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, May 1, 1787.

Dear Sir,

With this is enclosed an elegant volume of improvements in naval architecture, together with original letters to me, that accompanied it. I know nothing of the author but what is there said, viz: That he is a gentleman of character and fortune. America is the place in the world the most likely for such improvements to be adopted, if they are really founded in science and utility. If, upon examination, it appears to be of value, Congress will judge what acknowledgments should be made of it.

With great esteem, &c.,

JOHN ADAMS.

MR. THOMAS COUTTS, banker in the Strand, has the honor to deliver this, by desire of the author of the book, who is his friend, and a gentleman of eminent character and fortune.

April 28, 1787.

FROM PATRICK MILLER TO JOHN ADAMS.

Edinburgh, April 14, 1787.

Sir,

I beg leave to present your Excellency with the account of an invention for the improvement of naval architecture, which was intended for the general good of mankind.

As I trust it will be followed with happy effects to the nations who shall adopt it, and that I believe it will prove particularly useful to the different States of North America, from the nature of their coasts and inland navigation, I request your Excellency to transmit the book by the first opportunity to Philadelphia, to be delivered to the honorable the Congress of the United States of America.

I have the honor to be, &c.,

PATRICK MILLER.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, July 4, 1787.

Dear Sir,

I have been honored with your letters of the 10th, 19th, and 30th April, and 1st May last. Since the sitting of the Convention, a

sufficient number of States for the despatch of business have not been represented in Congress, so that it has neither been in my power officially to communicate your letters to them, nor to write on several subjects on which it is proper that Congress should make known their sentiments to you.

Your information of the attempt to counterfeit the paper of the Carolinas, and the probable design of exporting base pence to this country, is interesting, and shall be made proper use of.

The public attention is turned to the Convention. Their proceedings are kept secret, and it is uncertain how long they will continue to sit. It is, nevertheless, probable that the importance and variety of objects that must engage their attention will detain them longer than many may expect. It is much to be wished that the result of their deliberations may place the United States in a better situation; for if their measures should either be inadequate or rejected, the duration of the Union will become problematical. For my own part, I am convinced that a National Government as strong as may be compatible with liberty, is necessary to give us national security and respectability. Your book gives us many useful lessons; for, although I cannot subscribe to your chapter on Congress, yet I consider the work as a valuable one, and one that will tend greatly to recommend and establish those principles of government on which alone the United States can erect any political structure worth the trouble of erecting.

The western Indians are uneasy, and seem inclined to be hostile. It is not to be wondered at; injustice is too often done them, and the aggressors escape with impunity; in short, our Governments, both particular and general, are either so impotent, or so very gently administered, as neither to give much terror to evil-doers nor much support and encouragement to those who do well. I have not answered Colonel Smith's letters, but I have not forgotten him, nor will I forget him. What Congress will say about your resignation or your successor, I know not; for that and other matters in this department are yet to come under their consideration. The great delays which mark their proceedings on almost every interesting subject are extremely inconvenient, and sometimes injurious.

With great and sincere esteem, &c.,

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, May 8, 1787.

Dear Sir,

I am honored with your letter of April 2d, and am happy to receive the resolutions of Congress enclosed in it, especially those of 21st of March, 1787.

The convention at Philadelphia is to consist of members of such ability, weight, and experience, that the result must be beneficial to the United States.

The settlement of so many great controversies, such as those between the Massachusetts and New York, Pennsylvania and Connecticut, New York and Vermont, &c., show that the Union has great weight in the minds of the people. It is, indeed, an object of such magnitude, that great sacrifices ought to be made to its preservation. The consequences of a division of the continent cannot be foreseen fully, perhaps, by any man; but the most short-sighted must perceive such manifest danger, both from foreign Powers and from one another, as cannot be looked upon without terror. The navigation of the Mississippi in the South, and the fisheries in the North, have ever appeared to me objects without which the Union cannot be preserved; and, therefore, whether the free *use* of them be obstructed for a time or not, it has ever appeared a dangerous policy to cede the *right*, even for a moment.

Enclosed is a letter from our unfortunate countrymen in captivity at Algiers, which must be sent in the original, as there is not time to transcribe it.

I hope, sir, ere long, to receive your orders in consequence of the resolutions of Congress, preparatory to my return home in the next spring. The conduct of this Court, in so imprudently, as well as uncivilly, neglecting to send a Minister to America, renders it impossible for Congress, consistently with their own dignity, to renew my commission. When the American Minister shall leave this country, they will begin to think it necessary to send one of their own to New York. They may (for what I know) wish, in this way, to get rid of one whom they have not been able to mould to their views, in hopes of obtaining another of a more ductile temper. Let them try the experiment—I dare say they will be disappointed; for, if Congress appoints another, he will not be found more to their taste.

This country is in a shocking situation ; its royal family, its Administration, and its Opposition, are all such as will never seduce an American mind from his duty. He will only be shocked at the sight, and confirmed in his natural principles and native feelings.

With great respect, &c.,

JOHN ADAMS.

FROM THE AMERICAN CAPTIVES TO JOHN ADAMS.

Algiers, February 13, 1787.

Sir,

Your three letters to us, dated London, the 29th September, we received the 7th instant, and are exceedingly sorry to find, by the tenor of your letters to us, that you can give us no comfortable hopes or assurances of speedy relief.

Respecting the erroneous report you suppose we might have heard of what Mr. Lamb said to the Dey, and that it is not likely that he made any promises to the Dey, we shall mention to you what Mr. Lamb used to tell us when he used to return from the Dey's palace after having his different audiences.

Extract from our Journals in Algiers.

Saturday, the 25th of March, arrived a brig from Barcelona, with John Lamb, Esq., and Mr. Randall, Commissioners from the United States of America to treat with Lord Prince Mohamet Bashaw, Dey of the warlike city and kingdom of Algiers. At 11, a. m., the captain of the port went on board the brig, and returned on shore to the Mickelhadge, or third great man, informing him there were two Americans on board the brig, who came to redeem their people. Immediately the Dey was informed, and at 1, p. m., they were admitted to land. Mr. Lamb's message to the Dey was to admit him to the honor of kissing his hand on the terms of peace. The Dey answered that he would not ; but if he came to redeem his people, he would give him an audience. On the 29th Mr. Randall left Algiers on board a Spanish brig of war, bound to Alicant. On the 1st of April Mr. Lamb was introduced to the Dey by the French Consul, and attended by Mr. Wolfe. Mr. Lamb asked the Dey his price for the Americans. The Dey said he would see about it of

the marine officers. On the 3d of April Mr. Lamb had his second audience. The Dey asked Mr. Lamb what he would give. Mr. Lamb offered ten thousand dollars. The Dey said his price was fifty thousand dollars. Mr. Lamb said the price was great, but he would see about it or consider. On the 5th Mr. Lamb had his third audience. The Dey would not lower his price, but said he wanted us in the marine. Mr. Lamb offered to take us at thirty thousand dollars. The Dey turned angry, and said he had bread and olives enough for us. On the 7th Mr. Lamb had his fourth audience. The Dey would not lower his price but seventeen hundred dollars. Mr. Lamb said the price was great; he would see what he could do in four months' time. The Dey sent his dragoman to Mr. Lamb after he returned to the French Consul's, and asked Mr. Lamb if he was content with the bargain. Mr. Lamb said the price was great, but he must be content. Ever since it is considered in Algiers that Mr. Lamb had made a regular bargain with the Dey. Often since, Sidi Ali, the Dey's lord of his bedchamber, has told a young lad, one of our crew, that the American Ambassador had agreed to take us at the Dey's price. The lad is one of the Dey's chief attendants; and the other day the Mickelhadge, or third great man to the Dey, asked my carpenter, who is a servant or slave to the Mickelhadge, where was the American Ambassador, saying he had promised to come or return in four months.

Sir, we would not wish to be understood that we write so urgent on Mr. Lamb's contracts with the Dey to facilitate our redemption; but it is to give you a true representation of Mr. Lamb's proceedings, for the good and honor of our country, as we are fearful that if another American Ambassador came here it would be a very great detriment to his proceedings, and should not be much surprised if the Dey told him that he had made one bargain already with the Americans which they did not keep or fulfil.

As Mr. Jefferson wrote us that Mr. Lamb was to make no bargain respecting our redemption without our consent, when Mr. Lamb told us of the Dey's price, we begged of him to make no further proposition on our account, as it was not in his power to redeem us; but he went on his own way, and did as I mention; so that you see the considering part of the bargain was always on Mr. Lamb. When the Dey mentioned so great a price, why was he not decisive, and say it was entirely out of his power to give any such price?

Better to say so, than to make promises that he was not empowered to do; not to deceive the Dey and dishonor his country.

If we are not to be redeemed until the Dey will let us go as cheap as others, we think we never shall be redeemed; for those people do what they have a mind to do, let the slaves go for what they will, or not let them go on any terms. We confess it would be setting a bad example to pay so great a sum for a few, and other unfortunate captives would feel the ill effects of it. It is the duty of our country to redeem us on the best terms they can. Our unfortunate crews are employed on the most laborious work. We are not prisoners of war; we are slaves; the consideration of which will induce our country to consider our lamentable misfortune, hoping they will adopt some effectual plan of extricating us from slavery, and not suffer a remnant of their countrymen to die in slavery in this barbarous country. We hope Mr. Lamb has not told us one story, and wrote the Ministers in Europe another; but, from the tenor of your letters, we believe he has misrepresented his proceedings in Algiers to you.

Redeeming the slaves is one thing, and making the peace is another—two different bargains. Witness the Spaniards. We cannot see that redeeming us would be any detriment to the making a peace, or that we shall be got for less.

If Mr. Lamb, in having four audiences with the Dey, could not prevail on him to lower his price, what will induce the Dey to it on the terms of peace or conclusion of treaties? Forty or fifty thousand dollars can be no great object to so great and rich a Prince as the Dey of Algiers, to induce him to a treaty with the United States.

Permit us to observe to you and our country, it has been the custom, from time immemorial, for all nations to redeem their people on the best terms they could.

The Spaniards and other nations used to redeem every three years, until they were all led away with an erroneous opinion that the sums paid for the redemption used to enable the Algerines and other Barbary States to continue their depredations of piracy. Time, which reveals all things, has shown the Spaniards and other nations how erroneous their judgment was. No nation in the world can fit an equal number of cruisers half so cheap as the Algerines can.

Mr. Lamb declared to us that he did not bring any money to redeem us; and even told us that if the Dey would let us go at ten thousand dollars, he could not redeem us. The six thousand dollars

he had was for presents to pave the way towards a peace, in case he brought them on a truce. Why was Mr. Lamb so anxious with his propositions to the Dey, when he declared to us that he had no money appropriated towards our use?

We hope you will consider our lamentable misfortune, and not extinguish entirely our hopes of being once more in the land of liberty.

Your most obedient and very humble servants,

RICHARD O'BRYEN,
ZACHARIAS COFFIN,
ISAAC STEPHENS,
ANDREW MONTGOMERY, *Mate*,
ALEXANDER FORSYTHE, *Mate*.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, May 14, 1787.

Dear Sir,

Last Thursday, according to your advice, I communicated to Lord Caermarthen, not officially, but as private though authentic intelligence, the resolutions of Congress of the 21st of March. His Lordship appeared to be sincerely and highly pleased, and said that those resolutions did the highest honor to Congress, and he wished I had authority to communicate them formally. The reason was explained to his Lordship that there had not been time for the Secretary of State to prepare instructions, but that they might be expected to arrive in a few weeks. The measure is as well founded in good policy as it is in justice and honor, and must produce a good effect.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, May 23, 1787.

Dear Sir,

Enclosed are copies of two protests of bills* of exchange received from the Board of Treasury. They are duplicates. Another set of

* These bills were drawn the 31st March, 1787, by Constable, Rucker & Co., of New York, on John Rucker, of London, in favor of the Commissioners of the Treasury, and by them endorsed over to Messrs. Willinks and Van Staphorst. One was for £25,000, and the other for 50,000 guilders.

copies I have transmitted to that board to whom these duplicates will, no doubt, be referred.

Enclosed also are copies of letters from the Commissioners of Loans at Amsterdam, which render it necessary for me to go to Amsterdam. I shall set off on Friday, the 25th, and hope to return in three weeks or less. It is with great regret that I find myself reduced to the necessity of opening a new loan, without the explicit and particular orders of Congress. But there is no alternative but this, or immediate and total ruin to the United States. Such is the nature of money transactions in Holland, that if the punctual payment of the interest is not advertised, a panic arises and spreads, the stock falls, and every one is eager to get rid of what he has in his hands. In consequence of a delay, only of a few days, to advertise the payment of our interest in June, my obligations fell ninety-five per cent., as I am informed. But immediately upon the advertisement's appearing, they rose again to ninety-nine, which is as high as they have been for several years.

Mr. Barclay has drawn upon me for more money than I expected, to pay the expenses of presents and other things in the Morocco negotiation, and has made several drafts, after I had supposed, or at least hoped, that the payments were all made. But I could do no other than presume that the demands were necessary, and accept his bills. He will render his account to Congress or the Board of Treasury. But, if I am not mistaken, he has drawn upon me for near five thousand pounds sterling—a sum considerably more than one quarter part of the eighty thousand dollars appropriated by Congress to treaties with four Powers; though it was always expected that Algiers would be more costly than all the other three.

The expenses of Colonel Franks's journeys and voyages, and that of Colonel Smith's tour to Lisbon, as well as mine to Portsmouth and Holland, will amount to something, though not very considerable. What drafts upon the bankers in Holland Mr. Jefferson has made, as mentioned in their letter, I know not, unless it be to pay for honorary swords and medals, ordered by Colonel Humphreys, in obedience to the orders of Congress, for which I gave him a letter of credit before I left France. Possibly Congress may have authorized Mr. Jefferson to draw upon their commissioners in Holland. If they have, I am glad of it, but had not been informed of it.

I regret very much that I have not yet a letter of recall, which I might, upon this my last tour to the Hague, present to their High

Mightinesses, and take my leave, in order to my return home upon the expiration of my commission to St. James's. But although this is now impossible, I hope, sir, soon to receive such a letter of recall that I may have time to transmit it with a memorial, which must answer the end of an audience of leave.

With great respect, &c.,

JOHN ADAMS.

FROM MESSRS. WILHEM AND JAN WILLINK, &C., TO JOHN ADAMS.

Amsterdam, May 15, 1787.

We have your Excellency's esteemed favor of the 7th, and two of the 8th instant, transmitting us letters from the Board of Treasury, the detention whereof, later than others we received per the April packet, has retarded the business of a new loan during a whole week—a delay of the utmost consequence at the eve of the June interest falling due.

We sincerely lament the necessity Mr. John Rucker was in to leave England, and hope the discredit such an event must occasion will be but temporary. Your Excellency acted very properly in forwarding protests only of the drafts upon him, but we recommend duplicates should be sent.

Notwithstanding we adopted the payment of the sixty thousand guilders premium, in pursuance of your Excellency's advice, had this been the only deficiency in the remittance for the June interest, our zeal for the credit and interest of the United States would have induced us to advance it; but the late considerable disposals of your Excellency, and his Excellency Thomas Jefferson, Esquire, have exhausted the funds in our hands much below the statement of the Treasury Board, exclusive of the seventy-five thousand bills on Mr. John Rucker, contrary to its expectation, not proving good. So that the sum required is of such magnitude as to preclude all thoughts of supplying it by any other means than a fresh loan; for effecting which the time is very short indeed, besides the bonds of the former loan being at a very low rate, and people uncommonly solicitous to sell them: A panic we cannot account for otherwise than by the payment of the June interest not being yet advertised.

We have assembled the principal brokers, and opened the matter to them, under all the actual disadvantageous circumstances; they

have promised to second our exertions to raise money by a new loan, which we shall be obliged to pay dear for, and make of no less sum than a million, whereof the undertakers will, however, engage to receive only a certain sum, that we shall endeavor may be sufficient for the June and February interests, and the sums your Excellency may want for your salary and ordinary disbursements; the remaining bonds to lie by us for account of the United States. Thus the Board of Treasury would not have to attend to any remittances for this country previous to the June interest of 1788; by which period, we trust, the measures that will be devised by the Assembly of Delegates at Philadelphia will have had the operation necessary to secure punctual remittances for the future payments of interest on the Dutch loans.

We cannot yet flatter your Excellency with success; but if we should be so fortunate, we rely upon your Excellency's readiness to pass immediately the requisite instruments, and to strain all your influence that the ratifications of Congress may take place, and be transmitted to us without any procrastination.

We are, respectfully, &c.,

WILHEM & JAN WILLINK,
NIC. & JACOB VAN STAPHORST.

FROM MESSRS. WILHEM AND JAN WILLINK, &C., TO JOHN ADAMS.

Amsterdam, May 18, 1787.

Agreeably to what we had the honor to acquaint your Excellency the 15th instant, we have exerted ourselves to procure money for payment of the interest due the 1st proximo, by the United States—a matter very difficult to be accomplished, as we had against us the late news from America, no immediate flattering prospects, and an excessive scarcity of money here at present. We have, however, been successful enough to persuade the undertakers to subscribe to a new loan for one million of florins upon the following conditions: One thousand bonds, for one thousand guilders each, to be issued on the same conditions as the preceding loan of five per centum, the interest commencing the first of June.

Of which thousand bonds, two hundred and forty to be immediately negotiated to the subscribers; the one half of their amount

to be paid upon the delivery of the bonds ; the undertakers reserving to themselves the faculty of taking to themselves one month's credit for payment of the remaining half.

The surplus seven hundred and sixty bonds are to remain in our custody, subject to be delivered to the undertakers, each one in proportion to his subscription, at the same rate as those actually negotiated ; at the expiration of which period those on hand will be at the disposal of Congress.

Congress shall not be at liberty to make any further money negotiations in this country until the surplus seven hundred and sixty bonds shall be placed, or before the end of the eighteen months they are to lie, at the choice of the undertakers to purchase them.

Such are the best conditions we have been able to obtain ; and, although the money will cost the United States eight per cent., including premium, our commission, brokerage, and charges, we deem ourselves fortunate to have been thus able to face the June interest ; an object your Excellency justly views of the highest importance to the credit and interest of the United States.

By this arrangement we shall be obliged to advance part of the interest, until the undertakers shall have completed payment for the engaged bonds ; upon which advance, we do not doubt, the United States will most readily admit our charge of interest.

We endeavored all in our power that the money should be received by us in *récepissées*, and thus leave you the time to visit the country, and your conveniency to pass the bonds. But the undertakers have insisted, as an absolute condition, that they should be liable to pay only on receipt of the bonds signed and perfected by you ; so that there is an indispensable necessity for your Excellency's setting out for this country, with the full power you have from Congress, by the packet which will leave Harwich next Wednesday, or at latest on Saturday, the 26th instant, when we will have everything ready, that your Excellency may be able to return by the next or following packet.

We request your Excellency to be assured nothing in our power was left untried to spare you this jaunt so suddenly ; but since the payment of the June interest entirely depends upon this exertion of your Excellency, we are confident it will be undertaken with alacrity ; and, upon this conviction, we have assumed to advertise

the payment of the interest on the 1st of June, which is in all our newspapers of this day.

We are, respectfully, &c.,

WILHEM & JAN WILLINK,
NIC. & JACOB VAN STAPHORST.

—o—

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, July 31, 1787.

Dear Sir,

Since my last to you of the 4th instant, I have been honored with yours of the 8th, 14th, and 23d of May last, which have been communicated to Congress. I have now the honor of transmitting to you, herewith enclosed, certified copies of sundry acts of Congress, viz: of the 21st March and 13th April last, relative to our treaty with Britain; also, an act of the 20th July instant, containing certain instructions to you on the same subject. This latter act differs materially from the one reported by me, especially in the plan and extent of the proposed convention.

It gives me pleasure to inform you that several of the States have removed all obstacles to the full and fair operation of the treaty; and there is great reason to expect that certain others of them will do the like at the ensuing sessions of their Legislatures; but whether every State, without exception, will adopt the measure, in its proper latitude and extent, is not quite certain, especially considering the conveniences which many of their citizens have derived from shelter against their British creditors.

In the act of Congress of the 23d instant, also enclosed, you will find a copy of a letter to his Catholic Majesty. That letter has been sent from hence to Spain, in a Spanish vessel; also a copy of a letter to the Emperor of Morocco. That letter was sent to Mr. Jefferson, by the French packet which sailed last week.

The ratification of the Morocco treaty was also sent to him by the same opportunity. Measures respecting the other hostile African States are under consideration.

On the 24th instant, Congress was pleased to pass an act, of which a copy is herewith enclosed, relative to the house at the Hague.

Your letters respecting the new loan, &c., were referred to the Board of Treasury. Your attention and efforts on that occasion merit commendation.

I have taken much pains to obtain a decision on the question of your return, &c., but, as yet, without success. I am not without hopes that it will be done to-day; and as the mail will not be closed before to-morrow, I shall, in that case, write you another letter.

It seems that the Convention at Philadelphia have agreed on the leading principles or great outlines of their plan, and appointed a committee to put it into form; but we know not what it is, and I believe it is best that we should not.

I have the honor to be, &c.,

JOHN JAY.

P. S. For your more particular information, I herewith enclose certain papers, containing copies of acts and letters, numbered from 1 to 7 inclusive, which show in what States, and how far, the treaty of peace is at present operating without constraint. I learn, this afternoon, that Congress rose without having passed any act or resolution relative to your return. I herewith enclose an ordinance of Congress of the 13th instant, for governing the western country, and a copy of the ratification of the Morocco treaty, together with a parcel of the latest newspapers.

List of Papers mentioned in the Postscript.

No. 1. An act of New Hampshire, passed 15th September, 1786, in compliance with the definitive treaty, and the recommendation of Congress of 14th January, 1784, founded thereon.

No. 2. An act of Massachusetts, passed 30th April, 1787, for repealing all acts militating with, or infringing, the definitive treaty.

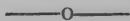
No. 3. Letter from the Governor of Rhode Island to Mr. Jay, of 4th September, 1786, informing that all prosecutions against absentees had ceased, and that British subjects are not prevented from prosecuting for the recovery of debts due to them.

No. 4. An act of Connecticut, passed the second Thursday in May, 1787, repealing all acts repugnant to the definitive treaty, and directing the courts of law and equity to decide and adjudge accordingly.

No. 5. Acts of New York, passed the 4th and 20th April, 1787, to repeal the different acts complained of by the British merchants in their list of grievances.

No. 6. Letter from the Governor of New Jersey to Mr. Jay, of 15th June, 1786, informing that that State has complied with the recommendation of Congress of 14th January, 1784.

No. 7. An act of Maryland, passed 15th May, 1787, declaring the definitive treaty to be the supreme law within that State.



EXTRACT FROM THE SECRET JOURNALS OF CONGRESS JULY 20, 1787.

On the report of a committee, consisting of Mr. Kean, Mr. R. H. Lee, and Mr. Duane, to whom was referred a report of the Secretary for Foreign Affairs, of the 23d April last, respecting Instructions to the Minister of the United States at the Court of London,

Resolved, That the Minister of the United States at the Court of Great Britain be, and he is hereby, instructed to inform his Britannic Majesty that Congress have taken measures for removing all cause of complaint relative to the infraction of the fourth and sixth articles of the treaty of peace; and that he communicate to his Majesty their resolutions of the 21st March last, together with their circular letter to the States, of the 13th day of April.

Resolved, That the said Minister be, and he hereby is, authorized and directed, in the name and on behalf of the United States, to propose and conclude a convention with his Britannic Majesty, whereby it shall be agreed that the value of slaves, or other American property carried away contrary to the seventh article of the treaty of peace, be estimated by commissioners; and that he also endeavor to obtain an article to fix the true construction of the declaration for ceasing hostilities, and to stipulate that compensation be made for all captures contrary to it.

Resolved, That the said Minister be, and he hereby is, further instructed to assure his Majesty that it will always give pleasure to Congress fairly to discuss and accommodate every difference or complaint that may arise relative to the construction or to the performance of the treaty; that they are determined to execute it with good faith; and that, as this is the only instance in which any complaints have come regularly before them, they flatter themselves

that the readiness with which they have taken measures to remove these complaints will create in him a full confidence in the purity of their intentions; and that he assure his Majesty that they fully repose and confide in his assurances "that whenever America shall manifest 'a real determination to fulfil her part of the treaty, Great Britain 'will not hesitate to coöperate in whatever points depend upon her 'for carrying every article into real and complete effect."

In debating the foregoing resolutions, a motion was made by Mr. Smith, seconded by Mr. Grayson, to amend the second resolution by adding thereto as follows, after the word "commissioners."

"And that payment for the same, together with a surrender of all 'the posts and places now held by his Majesty within the limits of 'the United States, shall be made within a certain reasonable time 'after the several States shall have passed an act or acts in 'conformity to the resolutions beforementioned, and formal notice 'shall be given his Majesty that all the States shall have passed an 'act or acts as abovementioned."

A motion was made by Mr. Dane, seconded by Mr. Carrington, to amend the amendment by striking out the words "together with 'a surrender of all the posts and places now held by his Majesty 'within the limits of the United States."

And on the question, Shall those words stand? the yeas and nays being required by Mr. Smith, it passed in the negative; and the words were struck out.

And the question to agree to the amendment as amended was negatived.

FROM JOHN SULLIVAN TO JOHN JAY.

Exeter, September 18, 1786.

Sir,

I have the honor of enclosing a copy of an act of the Legislature of this State, fully complying with the definitive treaty, agreeably to the proclamation of Congress.

And am, &c.,

JOHN SULLIVAN.

His Excellency the Secretary of Foreign Affairs.

STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand seven hundred and eighty-six.

An act in compliance with the Treaty of Peace between the United
[L. s.] *States and his Britannic Majesty, and with the recommend-*
ation of Congress, of the 14th of January, 1784, founded
thereon.

Whereas several acts and laws during the late war with Great Britain were passed by this State, which are found to be incompatible with the definitive treaty of peace and friendship: And whereas Congress did, on the 14th day of January, 1784, earnestly recommend to the Legislatures of the respective States to reconsider and revise all their acts and laws respecting the premises, so as to render such acts and laws perfectly consistent, not only with justice and equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail:

Therefore be it enacted by the Senate and House of Representatives in General Court convened, That the fourth article of the said definitive treaty, viz: "It is agreed that the creditors on either side 'shall meet with no lawful impediment to the recovery of the full 'value, in sterling money, of all *bona fide* debts heretofore 'contracted,' be complied with as far as it respects this State; and that the subjects of his Britannic Majesty shall meet with no lawful impediment to the recovery of any such debts, but shall have a right to recover the same, in the manner and way solemnly stipulated in said article.

And be it further enacted, That in case any of the estates, rights, and properties of any real British subjects, or any of the estates, rights, and properties of any person or persons resident in any district or districts, which were in the possession of his Britannic Majesty's arms between the 30th day of November, 1782, and the 14th day of January, 1784, and who have not borne arms against the United States, shall have been confiscated, the act or acts so confiscating shall be, and hereby are, repealed; and persons of any other description shall have free liberty to go to any part or parts of this State, (provided that within fourteen days after their first arrival they lodge their names in the Secretary's office,) and to reside in any town, place, or district herein during the space of one year, to commence from the day of their first arrival in this State, and no

longer; and to remain unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties, as have been confiscated.

And be it further enacted by the authority aforesaid, That the act of this State passed 19th day of November, 1778, entitled "An act to prevent the return to this State of certain persons therein named, and of others who have left, or shall leave, this State, or either of the United States of America, and have joined, or shall join, the enemies thereof," so far as the same militates with the said articles of peace; also, the act passed the 28th day of November, 1778, entitled "An act to confiscate the estates of sundry persons therein named," together with the additional acts to the said two acts, and all other acts and resolves of this State, so far as they militate with, or are repugnant to, the spirit and meaning of said treaty of peace and friendship between the United States and his Britannic Majesty, shall be, and hereby are, repealed and made void.

State of New Hampshire,
In the House of Representatives, September 15, 1786. }

The foregoing bill having been read a third time, voted that it pass to be enacted.

Sent up for concurrence.

JOHN LANGDON, *Speaker*.

In Senate, September 10, 1786.

This bill having been read a third time, voted that the same be enacted.

JNO. SULLIVAN, *President*.

Copy examined:

JOSEPH PEARSON, *Secretary*.

GOVERNOR BOWDOIN TO SECRETARY JAY.

Boston, May 17, 1786.

Sir,

I had the honor of your letter of the 3d instant, and, on receiving it, directed the Secretary to examine how far the Commonwealth of Massachusetts had complied with the proclamation of Congress of the 14th January, 1784, and the recommendation accompanying it,

pursuant to the definitive treaty between the United States and Great Britain.

In consequence of that direction, he has copied and attested the several acts and resolutions of the Legislature that can give you information upon the subject; and the copies, with his declaration prefixed, are enclosed.

I have the honor to be, &c., JAMES BOWDOIN.
The Hon. John Jay, Esq.,
Secretary for Foreign Affairs.

*A Memorandum of several Acts, Resolves, &c., passed by the
Legislature of the Commonwealth of Massachusetts.*

An act for repealing two laws of this State, and for asserting the right of this free and sovereign Commonwealth to expel such aliens as may be dangerous to the peace and good order of Government. Passed March 24th, 1784.

An act in addition to an act made and passed the present year, entitled "An act for repealing two laws of this State, and for asserting the right of this free and sovereign Commonwealth to expel such aliens as may be dangerous to the peace and good order of Government." Passed November 10th, 1784.

An order instructing the delegates of this Commonwealth in Congress to desire the sense of Congress whether it will consist with the treaty of peace between Great Britain and the United States of America for the Legislature to pass an act debarring British subjects and absentees from recovering any interest which may be supposed to have accrued during the war on debts contracted before the war. Passed November 10th, 1784.

A resolve relating to interests on debts due to British subjects and absentees, contracted before the war, and directing the common law courts how to make up judgment. Passed November 10th, 1784.

A resolve continuing the resolution of the 10th of November, 1784. Passed February 7th, 1785.

The foregoing is a memorandum of several acts and resolves passed by the Legislature of the Commonwealth of Massachusetts since the proclamation of Congress of the 14th of January, 1784, notifying the definitive treaty and its ratification to the several States

of the Union, and requiring their observance thereof; copies of which acts and resolves are hereto annexed.

The two following described acts were passed by the same Legislature before the date of the said proclamation, and copies of them are also annexed, being relative to the same subject, viz :

An act passed March 25th, 1783, limiting the continuance of certain acts and resolves for preventing intercourse with the enemy. As also another act, passed July 2d, 1783, to carry into execution an act made in the year 1778, entitled "An act to prevent the 'return to this State of certain persons therein named, and others 'who have left this State or either of the United States, and joined 'the enemies thereof."

The whole being transcribed by direction of his Excellency the Governor, in consequence of a letter to him from the honorable John Jay, Esquire, Secretary for Foreign Affairs, dated May 3d, 1786.

JOHN AVERY, Jr., *Secretary.*

Commonwealth of Massachusetts, in the year of our Lord 1784.

An Act for repealing two Laws of this State, and for asserting the right of this free and sovereign Commonwealth to expel such Aliens as may be dangerous to the peace and good order of Government.

Whereas it is necessarily incident to every free, sovereign, and independent State to hold the right of expelling from the dominions thereof all aliens who possess dispositions, or hold principles incompatible with the safety or sovereignty of the State; and whereas all those persons who have, since the 5th day of October, in the year 1774, and before the making the present form of government of this Commonwealth, gone off to, and taken the protection of, the Government, or fleet, or army of Great Britain, are considered and justly held to be aliens to this Commonwealth; and whereas those of them who are named and mentioned in an act of this State, passed in the year 1779, entitled "An act to confiscate the estates 'of certain notorious conspirators against the government and 'liberties of the inhabitants of the late Province, now State, of 'Massachusetts Bay," and all others of them who have borne arms

in the late war against this or either of the United States, or against the allies of the said State, or have lent money to the Government of Great Britain to carry on the late war, are justly deemed to hold principles, and possess dispositions incompatible with the safety of the Commonwealth, and, therefore, ought to be excluded from this Commonwealth; and it being evident that an indiscreet admission of the other descriptions of those unhappy people at this period might be attended with disagreeable and dangerous consequences; but the laws made for their exclusion being not calculated to produce those measures which are suitable to a state of peace and tranquillity:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act made and passed in the year 1778, entitled "An act to prevent the return to this State of certain persons therein named, and others, who have left this State, or either of the United States, and joined the enemies thereof;" and also another act, passed in the year one thousand seven hundred and eighty-three, entitled "An act to carry into execution an act made in the year one thousand seven hundred and seventy-eight, entitled 'An act to prevent the return to this State of certain persons therein named, and others, who have left this State, or either of the United States, and joined the enemies thereof,'" be, and they both are hereby, repealed.

And be it enacted, That if any of the persons aforesaid, who have left this State, and gone off to, and taken the protection of, the Government, fleet, or army of Great Britain, and are named in the act aforesaid, entitled "An act to confiscate the estates of certain notorious conspirators against the Government and liberties of the inhabitants of the late Province, now State, of Massachusetts Bay," or have borne arms, or have joined to the said fleet, army, or to any volunteer corps of the King of Great Britain, shall presume to return to this State to reside therein, it shall be the duty of every justice of the peace to give notice thereof to the Governor; and if such person shall not, immediately upon the Governor's giving order therefor, depart the State, it shall be the duty of every justice of the peace to whom complaint shall be made thereof, to apprehend such person, and him commit to the common jail of the county where he may be, to be sent off by the order of the Governor with advice of Council.

And be it enacted, That no one of any other description of the said absentees shall be allowed to reside in this State, until such person shall obtain a license therefor from the Governor, with advice of Council; and if any of the said persons shall presume to reside within this State, without such license, he shall be treated in the same manner as is provided by this act, respecting those who have borne arms against these States: *Provided, also*, That no license so given by the Governor, with advice of Council, shall have any force after the end of the next session of the General Court after the same license shall be granted; and that the person who shall obtain the same, unless an act of naturalization shall be passed in his favor, or the said license shall be approved at the said session of the General Court, shall be treated in the same manner as if the said license had not been obtained:

And whereas, by the sixth article of the treaty lately made between the United States and the King of Great Britain, it is provided, that no further confiscation shall be made:

Be it therefore enacted by the authority aforesaid, That the lands and buildings which any of the persons aforementioned held in fee-simple or by lesser estate, on the nineteenth day of April, one thousand seven hundred and seventy-five, and which have not by the aforesaid act, entitled "An act to confiscate the estates of certain 'notorious conspirators against the Government and liberties of the 'inhabitants of the late Province, now State, of Massachusetts 'Bay,'" or by judgment had on due process of law on such estates, been confiscated, or have been pledged by Government for money borrowed, or sold by agents, according to laws of the State, for the payment of debts due from the absentees, or have been made liable to pay an annual charge for the support of any poor person, shall be delivered up to the persons who respectively owned such lands or buildings last before the 19th of April, 1775, or to any persons claiming under them respectively: *Provided*, Such claimers are not included in the act aforesaid, made in the year 1778, who shall have the privilege of disposing of the same at any time within the space of three years next coming; and any deed or other conveyance made thereof, to any citizen of this or either of the United States, shall be held good and valid in law, to convey the same to all intents and purposes, as fully and amply as if such grantor was a free citizen of this Commonwealth; any law of this Commonwealth to the contrary notwithstanding.

In the House of Representatives, March 24, 1784.

This bill having had three several readings, passed to be enacted
TRISTRAM DALTON, Speaker.

In Senate, March 24, 1784.

This bill having had two several readings, passed to be enacted.
SAMUEL ADAMS, President.

Approved: **JOHN HANCOCK.**

A true copy. }
 Attest: } **JOHN AVERY, Jr., Secretary.**

Commonwealth of Massachusetts, in the year of our Lord 1784.

An Act in addition to an Act, made and passed the present year, entitled "An Act for repealing two laws of this State, and for asserting the right of this free and sovereign Commonwealth to expel such Aliens as may be dangerous to the peace and good order of Government.

Whereas, in the last paragraph of the act aforesaid, provision is made as follows: "Provided such claimers are not included in the act aforesaid, made in the year 1778:"

Be it further enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the proviso above recited be, and hereby is, repealed; and in lieu thereof,

Be it enacted, That provided such claimers are not included in the act aforesaid, entitled "An act to confiscate the estates of 'certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now State, of Massachusetts Bay."

And whereas, by the act aforesaid, made and passed in the present year, no provision is made respecting the real estates of such absentees as have been mortgaged or leased by order of Government:

Be it therefore enacted by the authority aforesaid, That all those real estates which, on the 19th day of April, in the year 1775, were the property of any person or persons, who are mentioned, intended, or described in an act passed in the year 1779, entitled "An act for

confiscating the estates of certain persons commonly called absentees," and which estates have been mortgaged by order of Government, shall be considered as having been confiscated, saving only the right of redemption in the legal claimers, or in the Commonwealth where no legal claimant shall appear, upon paying and discharging the mortgage according to the true intent and spirit of the same, which such claimants are authorized to do, in the same manner as the Commonwealth might; and where such estates have been leased by order of Government, the income and profit, use and improvement thereof, shall be considered as confiscated for the term of which the same is leased; and the tenants shall hold the same accordingly till the end of the term, when the claimants shall have the same; and that all doings and proceedings of agents and committees on any real estate of an absentee, or a real British subject, which has not been confiscated, done, and had, according to the laws and resolutions of Government, or which has been done by any other person under orders of any military commander, shall be good and valid to all intents and purposes.

And be it further enacted by the authority aforesaid, That all the personal estate of the persons aforesaid, who left this State, or any other of the United States, or any of the provinces or colonies of America, since the 5th day of October, in the year 1774, and before the making of the present constitution or frame of government of this Commonwealth, and went off to, and took the protection of the Government, fleet, or army of Great Britain, and which personal estate has been taken, sold, used, or disposed of by order of Government, shall be held, deemed, and taken to have been confiscated; and that no person or persons of the description aforesaid shall have or maintain any action against any committee, agent, or any person whatsoever, who has disposed of the same in consequence of any law, resolve, or order of Government, or of the Provincial Congress, formerly holden in this then Province, or of any order or resolve of the United States, or taken by the order of any military commander, to the use of this or the United States; and where any action shall be brought therefor, the party sued may plead the general issue, and give this act in evidence.

In the House of Representatives, November 10, 1784.

This bill having had three several readings, passed to be enacted.

SAMUEL A. OTIS, *Speaker*.

In Senate, November 10, 1784.

This bill having had two several readings, passed to be enacted.

SAMUEL ADAMS, *President*.

Approved:

JOHN HANCOCK.

A true copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

Commonwealth of Massachusetts, in the year of our Lord 1783.

An Act limiting the continuance of certain Acts and Resolves for preventing intercourse with the Enemy.

Whereas the grounds and principles of certain acts for preventing commerce and correspondence with the enemies of the United States will cease to operate at the termination of the war:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That an act passed the 3d of March, 1781, entitled "An act for 'preventing all commerce and illegal correspondence with the 'enemies of the United States of America;'" and another, passed the 1st of May, 1781, entitled "An act in addition to an act entitled 'An act for preventing all commerce and illegal correspondence with 'the enemies of the United States of America;'" and another act, passed the 8th of November, 1782, entitled "An act in addition to 'an act entitled 'An act in addition to an act entitled an act for 'preventing all commerce and illegal correspondence with the 'enemies of the United States of America;'" and also every part of the resolve of the General Court passed the 8th day of May, A. D. 1782, respecting illicit trade with the enemies of the United States, except that paragraph thereof which makes provision that certain boats and vessels therein described shall take permission from the naval officer in certain cases; and another resolve passed the 9th day of October, A. D. 1782, for preventing the enemy from being supplied with provisions from the shores on the south side of the Commonwealth, shall, from and after the time at which the United States, in Congress assembled, shall cause declaration to be made that peace has taken place between France, Great Britain, and the United States, be repealed, and every article and clause of the before

recited acts shall thereupon become null and void to every intent and purpose, save only of being used to support any action or process that may have been commenced before, and pending at the time when, the said acts and resolves are to cease.

In the House of Representatives, May 25, 1783.

This bill having had three several readings, passed to be enacted.

TRISTRAM DALTON, *Speaker*.

In Senate, March 25, 1783.

This bill having had two several readings, passed to be enacted.

SAMUEL ADAMS, *President*.

Approved :

JOHN HANCOCK.

True copy. }
Attest : } JOHN AVERY, Jr., *Secretary*.

Commonwealth of Massachusetts, in the year of our Lord 1783.

*An Act to carry into execution an Act made in the year 1778, entitled
“An Act to prevent the return to this State of certain Persons
therein named, and others, who have left the State or either of
the United States, and joined the enemies thereof.”*

Whereas, by the act above mentioned, it is provided that certain persons therein named and described should be sent out of the State by the Board of War; and the same Board hath since been discontinued, by means whereof there are no persons now in the Commonwealth who are empowered to carry the same act into effectual execution :

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,
That in case any person now stands committed by any magistrate, or hereafter shall be committed to any jail in this Commonwealth, by two justices of the peace, in pursuance of the act aforesaid, such magistrate or justices shall immediately certify the same commitment to the Governor of the Commonwealth, who shall immediately, or as soon as may be, at the expense of the Commonwealth, cause such persons so committed to be transported to some part or place within the dominions of the King of Great Britain; and if such person so

transported shall voluntarily return again to this Commonwealth, and be thereof convicted before the supreme judicial court, such person shall suffer the same pains and penalty as are provided in the said act, in case any such person should return into this State, after being transported out of the same by the Board of War, according to the directions of the said act.

Be it further enacted, That when any such person shall be committed by two justices of the peace, or taken into custody by order of the Governor, to be sent out of this State, no writ of replevin to replevy such person shall be served, nor shall any action on such writ be prosecuted, brought forward, or supported; and every service of such writ shall be utterly void, and the officer who shall presume to execute the same shall be liable to a fine of one hundred pounds, and be incapable forever thereafter of serving or executing any other writ or precept.

And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the recommendation of Congress, mentioned in the preliminary articles agreed upon between the United States of America and Great Britain, shall be laid before the General Court, and a final determination be had thereon, and no longer.

In the House of Representatives, July, 2d, 1783.

This bill having had three several readings, passed to be enacted.

TRISTRAM DALTON, *Speaker*.

In Senate, July 2d, 1783.

This bill having had two several readings, passed to be enacted.

SAMUEL ADAMS, *President*.

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

Commonwealth of Massachusetts, in Senate, November 9th, 1784.

Whereas, the payment of interest which might have accrued during the late war upon debts due from the citizens of this or any of the United States, prior to the commencement of the same, to real British subjects, and others commonly called absentees, would be

not only inequitable and unjust, but, the Legislature of this Commonwealth conceives, repugnant to the spirit and intendment of the fourth article in the treaty of peace, which provides only for the payment of *bona fide* debts; and as the Legislature have taken measures to obtain the sense of Congress upon the said article, so far as the same respects the payment of interest which might have accrued as aforesaid, and, in the mean time, judgments may be obtained in some of the courts of law within this Commonwealth for interest accruing as aforesaid, contrary to the true design of the said treaty: Therefore,

Resolved, That in all actions or suits which are or may be instituted or brought to any of the judicial courts within the Commonwealth, wherein any real British subject or absentee is plaintiff or defendant, and which actions or suits, by the laws thereof, are sustainable therein, the justices of the same courts are hereby severally directed to suspend rendering judgment for any interest that might have accrued upon the demand contained in such actions or suits between the 19th day of April, 1775, and the 20th day of January, 1783, until the third Wednesday of the next sitting of the General Court: *Provided always*, That if, in any such actions or suits, the plaintiff shall move for, or by default have, right to judgment, then, and in such case, the justices aforesaid shall cause judgment to be entered for the principal sum, which, by the laws of this Commonwealth, such plaintiff shall be entitled to recover, and all such interest as accrued thereon before the said 19th day of April, and subsequent to said 20th day of January, and execution shall issue accordingly; and if Congress shall hereafter determine that the interest which might have accrued on any *bona fide* debt aforesaid during the war, ought by the treaty aforesaid, to be considered as a part of such debt, then the said courts, respectively, shall proceed to enter a further judgment for the amount of all such last-mentioned interest, without any new process, and issue execution for such further sum accordingly; and all attachments made, or bail given, upon any action instituted as aforesaid, shall be holden to respond the final judgment that may be given for the amount of such last-mentioned interest.

Sent down for concurrence.

SAMUEL ADAMS, *President*.

In the House of Representatives, November 10, 1784.

Read and concurred in. SAMUEL A. OTIS, *Speaker*.

Approved: JOHN HANCOCK.

A true copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

Commonwealth of Massachusetts, in Senate, November 9th, 1784.

Ordered, That the Delegates representing this Commonwealth in the United States in Congress assembled, be, and they hereby are, instructed to desire of Congress their sense on the following questions, viz:

Whether it will consist with the treaty of peace subsisting between Great Britain and the United States of America, for the Legislature of this Commonwealth to pass an act debarring British subjects, and those persons who left the late Province of Massachusetts Bay after the 5th of October, 1774, and before the establishment of the present constitution of this Commonwealth, and took the protection of the King of Great Britain, or of his Government, fleet, or army, or either of them, from recovering any interest which may be supposed to have accrued during the war on debts contracted before the war?

And that the said delegates be further instructed, in the name and behalf of this Commonwealth, to request of Congress their sense of the meaning of the words "*bona fide* debts," as mentioned in the fourth article of the treaty of peace; and particularly whether the same are intended, and ought to be construed, to include the interest that would have accrued thereon, had not the war intervened; and to communicate to the Legislature of this Commonwealth the doings of Congress thereon, as soon as may be.

Sent down for concurrence.

SAMUEL ADAMS, *President*.

In the House of Representatives, November 10th, 1784.

Read and concurred in. SAMUEL A. OTIS, *Speaker*.

Approved: JOHN HANCOCK.

True copy. }
Attest: } JOHN AVERY, Jr., *Secretary*.

*Commonwealth of Massachusetts, in the House of Representatives,
February 5th, 1785.*

Whereas the resolve passed the 10th day of November last, directing the common-law courts to suspend rendering judgment for interest on actions brought by real British subjects or absentees, to the third Wednesday of the present session of the General Court, expired on the 2d day of February instant: and whereas the Legislature have not as yet obtained the sense of Congress upon the fourth article in the treaty of peace, which provides only for the payment of *bona fide* debts, being necessary for that purpose: Therefore,

Resolved, That the said resolution of the 10th of November last be, and hereby is declared to be, continued in full force, and shall operate in all cases as fully, until the further order of the General Court, as the said resolution of the 10th day of November last might have operated previous to the third Wednesday of the present session of the General Court.

Sent up for concurrence.

SAMUEL A. OTIS, *Speaker*.

In Senate, February 7th, 1785.

Read and concurred in.

SAMUEL ADAMS, *President*.

True copy. }
Attest: } JOHN AVERY, JR., *Secretary*.

FROM JOHN COLLINS TO JOHN JAY.

Newport, September 4, 1786.

Sir,

Your first letter, requesting information of the measures of this State, respecting the treaty of peace between the United States and Great Britain, hath been by the Legislature referred, and the report is not made; however, be pleased to be informed, that upon the treaty, and the consequent ratification of Congress being presented to the General Assembly, they immediately requested the Governor to make known the contents thereof to all the citizens, by proclamation, under the authority of the State, requiring a strict compliance therewith. This was done. All prosecutions against absentees,

and others, for the part they had taken in the war, that had not been finished, were immediately nullified, and no further confiscations have taken place. All persons residing under the protection of the treaty, and that have applied to the Legislatures for the restitution of property, or the rights of citizenship, denization, or even the capacity of prosecuting actions or suits at law, have been heard, and in most instances their requests have been granted. The laws from that moment have been, and still are, open to British subjects to recover their debts, in the same manner as to citizens of the State. In short, the treaty, in all its absolute parts, has been fully complied with; and to those parts that are merely recommendatory, and depend upon the legislative discretion, the most candid attention has been paid.

I have the honor of being, &c.,

JOHN COLLINS.

State of Rhode Island and Providence Plantations, in General Assembly, September session, A. D. 1787.

Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That the treaty of peace entered into between the United States of America and his Britannic Majesty is fully binding upon all the citizens of this State, as a law of the land, and is not in any respect to be receded from, misconstrued, or violated.

A true copy. }
Witness: }

H. Z. SHERBURNE, *Dy. Secretary.*

FROM SAMUEL HUNTINGDON TO JOHN JAY.

Council Chamber, Hartford, June 12, 1786.

Sir,

Your letter of the 3d ultimo, addressed to the Governor of Connecticut, requesting information whether, and how far, this State has complied with the recommendation of Congress, pursuant to the treaty of peace with Great Britain, hath been received.

In compliance with your request, I have the satisfaction to inform you that the statutes of this State have all been revised since the

peace; and all penal laws which subjected any person to prosecution by reason of any part he had taken during the war, were repealed. The whole code, as revised, are transmitted to Congress. By examining those acts, you may obtain the best possible information on this article. There is nothing in them, we apprehend, inconsistent with the spirit and intent of the treaty.

This State has never confiscated any estate belonging to real British subjects, or had any law existing that would warrant such confiscation.

Where confiscations had taken place against citizens of the United States who resided in districts in the possession of the British during the war, but had not borne arms, some of them, on application, have obtained a restitution of their estates; and we have no law now existing to prohibit any person from making the like application, or residing among us for that purpose.

The sixth article of the treaty was immediately observed. On receiving the same, with the proclamation of Congress, the courts of justice adopted it as a principle of law. No further prosecutions were instituted against any person who came within that article, and all such prosecutions as were then pending were discontinued, so far as my knowledge or information extends. And I am satisfied it was universally the case with respect to all persons who claim the benefit of these articles. I may add, in general terms, that the Legislature of this State, and the executive courts, have religiously adhered to the treaty, and in no instance, as we conceive, contravened any article therein contained.

I have the honor to be, &c.,

SAMUEL HUNTINGTON.

At a General Assembly of the State of Connecticut, holden at Hartford on the second Thursday of May, A. D. 1787.

Whereas, the United States in Congress assembled have, by their resolution of the 13th of April, 1787, recommended to the several States to repeal all such acts and parts of acts of their several Legislatures as may be now existing in any of the said States repugnant to the treaty of peace between the United States and Great Britain; and that each State pass such act of repeal, whether any such exceptional act is existing in such State or not, and that rather by

describing than reciting such act, for the purpose of obviating all disputes and questions between the United States and Great Britain relative to said treaty: And although there hath been no complaint or suggestion, officially or otherwise, that there is any act, or part of an act, existing in this State repugnant to said treaty, yet this Assembly, being at all times disposed to conform to the true intent and spirit of the Articles of Confederation, and to prevent and remove (so far as to this Assembly doth appertain) all causes of dispute and contention, and every just ground of complaint, have thought fit to enact:

Be it enacted by the Governor, Council, and Representatives in General Court assembled, and by the authority of the same, That such of the acts, or parts of acts, of the Legislature of this State, as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed.

And be it further enacted by the authority aforesaid, That the courts of law and equity within this State be, and they hereby are, directed and required, in all causes and questions cognizable by them respectively, and arising from or touching said treaty, to decide and adjudge according to the tenor, true intent, and meaning of the same, anything in the said acts, or parts of acts, to the contrary thereof in anywise notwithstanding.

A true copy of record. Examined by

GEORGE WYLLIS, *Secretary.*

FROM WILLIAM LIVINGSTON TO JOHN JAY.

Elizabeth-Town, June 15, 1786.

Sir,

I have been honored with your letter of the 3d May, informing me that Congress has been pleased to order that you should "report particularly and specially how far the several States have complied with the proclamation of Congress of the 14th January, 1784, and the recommendation accompanying the same, pursuant to the definitive treaty of peace between the United States of America and Great Britain," and requesting me to inform you whether, and how far the State of New Jersey has complied with the recommendation in question. In answer to which, I can only inform you,

in general, that I do not know of a single instance in which the State has not strictly complied with the said proclamation as well as with the said recommendation, as far as by the said treaty the United States were bound to comply with such recommendation.

I have the honor to be, &c.,

WILLIAM LIVINGSTON.

The Honorable John Jay, Esq.

FROM GEORGE CLINTON TO JOHN JAY.

New York, July 20, 1786.

Sir,

In compliance with your letter of the 3d of May last, I have the honor to transmit you, enclosed, extracts from the Journals of the Assembly of this State, containing the information required.

And am, with great respect, &c.,

GEORGE CLINTON.

The Honorable John Jay, Esq.

In Assembly, January 31, 1784.

A Message from his Excellency the Governor to the Legislature (transmitted to this House by the honorable the Senate) was read, and in the words following, to wit:

“Gentlemen,

“It is with pleasure I embrace the earliest opportunity of laying before you a proclamation of the United States in Congress assembled, under their seal, dated 14th day of January instant, announcing the ratification of the definitive articles of peace and friendship between those States and his Britannic Majesty, and enjoining a due observance thereof.

“I also submit to your consideration the recommendation of the United States in Congress assembled, in conformity to the said articles contained in their resolution of the said 14th day of January instant.

“GEORGE CLINTON.

“New York, January 30, 1784.”

The papers which accompanied the said Message of his Excellency the Governor, were also read.

Ordered, That the said Message of his Excellency the Governor, and the papers which accompanied the same, be committed to a Committee of the Whole House.

In Assembly, March 31, 1784.

Copies of certain Resolutions of the honorable the Senate, delivered by Mr. Schuyler, were read in the words following, viz :

“*Resolved*, (if the honorable the House of Assembly concur therein,) That it appears to this Legislature that in the progress of the late war the adherents of the King of Great Britain, instead of being restrained to fair and mitigated hostilities, which only are permitted by the law of nations, have cruelly massacred, without regard to age or sex, many of our citizens, and wantonly desolated and laid waste a very great part of this State, by burning not only single houses and other buildings in many parts of this State, but even whole towns and villages, and destroying other property throughout a great extent of country, and in enterprises which had nothing but vengeance for their object.

“And that, in consequence of such unwarrantable operations, great numbers of the citizens of this State have, from affluent circumstances, been reduced to poverty and distress.

“*Resolved*, That it appears to this Legislature that divers of the inhabitants of this State have continued to adhere to the King of Great Britain after these States were declared free and independent, and persevered in aiding the said King, his fleet and armies, to subjugate these United States to bondage.

“*Resolved*, That as, on the one hand, the rules of justice do not require, so, on the other, the public tranquillity will not permit, that such adherents who have been attainted should be restored to the rights of citizenship.

“And that there can be no reason for restoring property which has been confiscated or forfeited, the more especially as no compensation is offered, on the part of the said King and his adherents, for the damages sustained by this State and its citizens from the desolation aforesaid :

“*Resolved, therefore*, That while this Legislature entertain the highest sense of national honor, of the sanction of treaties, and of the deference which is due to the advice of the United States in Congress assembled, they find it inconsistent with their duty to

‘comply with the recommendation of the said United States on the ‘subject-matter of the fifth article of the definitive treaty of peace.’

Resolved, That this House do concur with the honorable the Senate in the said resolutions.

Ordered, That Mr. Gordon and Mr. Scott deliver a copy of the last preceding resolution of concurrence to the honorable the Senate.

State of NEW YORK, ss:

I certify that the foregoing are true extracts from the Journals of the Assembly, this 19th day of July, 1786.

ISAAC VAN CLECK, *Clerk*,
For JOHN MCKESSON.

An Act to repeal part of An Act entitled “An Act for granting a more effectual relief in cases of certain Trespasses,” passed April 4th, 1787.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That so much of the act aforesaid as is contained in the words following, to wit: “And if any such action ‘shall be brought in any inferior court within this State, the same ‘shall be finally determined in such court; and every such action ‘shall be considered as a transitory action; that no defendant or ‘defendants shall be admitted to plead, in justification, any military ‘order or command whatever, of the enemy, for such occupancy, ‘injury, destruction, purchase, or receipt, nor to give the same in ‘evidence on the general issue,” be, and the same is hereby, repealed.

An Act to amend An Act entitled “An Act relative to Debts due to persons within the Enemy’s lines;” and another Act, entitled “An Act to explain and amend the Act entitled ‘An Act relative to Debts due to persons within the Enemy’s lines,’ passed the 12th July, 1782,” passed 20th April, 1787.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all persons described in the fifth section

of the said first-mentioned act, and the executors and administrators of such persons, indebted by simple contract, bill, single or penal, or any other obligation, mortgage, security, or demand whatsoever, to any person or persons described in the said fifth section of the act aforesaid, or to the executors or administrators of such person or persons, shall be, and hereby are, discharged from any interest which may have become due upon any such contract, bill, obligation, mortgage, or securities, since the 1st day of January, 1776, inclusively, to the 1st day of May, in the year 1786: *Provided*, That nothing in this clause contained shall be deemed to operate as a discharge of any interest which may have accrued on any such bill, obligation, mortgage, or other security, executed since the 1st day of January, 1777.

II. *And be it further enacted by the authority aforesaid*, That the said persons so indebted as aforesaid, their executors or administrators, shall be obliged to pay the debts or sums by them owing (after such deduction of interest as aforesaid) to the person or persons aforesaid, their executors or administrators, in the lawful current money of this State, in three yearly instalments, and not otherwise, to wit: one third part thereof on or before the 1st day of May, in the year 1788; another third part thereof on or before the 1st day of May, in the year 1789; and the other third part thereof on or before the 1st day of May, in the year 1790; with interest upon the amount of such debts or sums now due (after such deduction as aforesaid) from the said first day of May, in the said year 1786, any law, contract, or usage to the contrary thereof in anywise notwithstanding: *Provided always*, That in case default shall be made in the payment of either of the said yearly instalments, and not sooner, it shall be lawful for the creditor or creditors of the person or persons making such default to prosecute for his, her, or their debt or demand, in the same manner as if this act and the acts hereinbefore mentioned had never been passed; but there shall not be levied, by virtue of any execution, upon any judgment, sentence, or decree thereupon obtained, any other or greater sum than the amount of the instalment or instalments, with the interest thereon, in respect to which default shall have been made; and no foreclosure of any mortgage shall operate as a bar to any equity of redemption, until after the said 1st day of May, in the said year 1790; but it shall be lawful in every such case for the chancellor to direct a sale of so much of the said mortgaged premises as will be sufficient to satisfy the instalment or

instalments which shall have become due, and the interest thereon: *Provided also*, That the said time given as aforesaid for the payment of such debts or demands in cases where the creditor or creditors has or have no mortgage or other security upon any lands, tenements, or hereditaments, shall be, and the same hereby is, upon the express condition that the debtor or debtors, his, her, or their heirs, executors, or administrators (as the case may be) shall, within six months from the passing of this act, either give to the creditor or creditors good real or personal security for the amount of the debt or demand, to the satisfaction of such creditor or creditors, or shall deposite with or tender to such creditor or creditors, if within this State, and to be found, or, if not within this State, in the hands of the Treasurer of this State, for the benefit of such creditor or creditors, by way of collateral security for his, her, or their debt or demand, the full amount of the principal and interest thereof, without such deduction as aforesaid, in the certificates issued or to be issued by the Treasurer of this State; in default whereof, it shall be lawful for such creditor or creditors to prosecute for his, her, or their debt or demand in the same manner as if this act, or the acts hereby intended to be amended, had never been passed: *Provided further*, That if such creditor or creditors shall be willing to accept the payment of the whole of the principal and interest of his, her, or their debt or demand, without such deduction as aforesaid, in any of the certificates or sureties aforesaid, and shall notify the same to his, her, or their debtor or debtors; and if such debtor or debtors shall not make payment according to such notification, within six calendar months thereafter, then, and in every such case, it shall be lawful for such creditor or creditors to proceed in the same manner as if this act, or the acts hereby intended to be amended, had never been passed: *And provided further*, That nothing herein contained shall be construed to extend to any persons, creditors, or debtors, not comprehended in the acts aforesaid, except in cases of the assignment of any bond, bill, obligation, mortgage, security, or demand whatsoever, made to any person or persons whomsoever, by any person who has remained with, gone into, or was sent within, the enemy's lines during the late war: *And provided further*, That the same shall be deemed to extend to the executors and administrators of all such persons being now deceased, to whom the same would extend if such persons were in full life, whether the said persons died before or since the passing of the said first-mentioned act: *Provided neverthe-*

less, That the same shall not be deemed to extend to any subjects of the King of Britain comprehended in the treaty of peace between the United States of America and the said King.

III. *And be it further enacted by the authority aforesaid, That all such parts of the said acts last mentioned as are in anywise repugnant to the true intent and meaning of this act be, and the same are hereby, repealed.*

DELAWARE.

At a session of the General Assembly, commenced at Dover on the 20th day of October, 1787, and continued by adjournment to the 2d day of February following, inclusive, the following acts were passed, that is to say :

*An Act for repealing all Acts, or parts of Acts repugnant to the Treaty of Peace between the United States and his Britannic Majesty, or any article thereof.**

Whereas certain laws or statutes made and passed in some of the United States are regarded and complained of as repugnant to the treaty of peace with Great Britain, by reason whereof not only the good faith of the United States, pledged by that treaty, has been drawn into question, but their essential interests under that treaty greatly affected: And whereas justice to Great Britain, as well as regard to the honor and interests of the United States, require that the said treaty be faithfully executed, and that all obstacles thereto, and particularly such as do or may be construed to proceed from the laws of this State, be effectually removed: Therefore,

Be it enacted by the General Assembly of Delaware, and it is hereby enacted by the authority of the same, That such of the acts or parts of acts of the legislation of this State as are repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof, shall be, and hereby are, repealed. And, further, that the courts of law and equity within this State be, and they hereby are, directed and required, in all causes and questions cognizable by them respectively, and arising from or

* NOTE.—The act of Delaware was passed subsequent to the transmission of the other State documents by Mr. Jay to Mr. Adams. Being on the same subject, and having place among the records, it is deemed proper to give it an insertion. For the same reason, the papers from Virginia, and North and South Carolina are published. Nothing appears on record from either Pennsylvania or Georgia.

touching the said treaty, to decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in anywise notwithstanding.

Signed by order of the House of Assembly.

JEHU DAVIS, *Speaker*.

Signed by order of the Council.

THOMAS M'DONOUGH, *Clerk*.

Passed at Dover, February 2d, 1788.

MARYLAND.

An Act declaring the Treaty of Peace between the United States and his Britannic Majesty the supreme law within this State.

Be it enacted by the General Assembly of Maryland, and it is hereby declared, That the treaty of peace made between the United States of America and his Britannic Majesty is the supreme law within this State, and shall be so considered and adjudged in all courts of law and equity; and all causes and questions cognizable by the said courts respectively, ought and shall be determined according to the said treaty, and the tenor, true intent, and meaning thereof.

By the Senate, May 14, 1787.

Read and assented to. By order,

J. DORSEY,
W. SMALLWOOD.

By the House of Delegates, May 15, 1787.

Read and assented to. By order,

W. HARWOOD.

In testimony that the foregoing is a true copy from the original act of the General Assembly of Maryland, remaining in the General Court, I have hereunto set my hand, and affixed the seal of office, the 29th day of June, in the year of our Lord 1787.

THOS. B. HODGKIN,
C., &c., Gen. Ct. M.

FROM PATRICK HENRY TO JOHN JAY.

Richmond, June 7, 1786.

Sir,

An act of our Assembly, and sundry resolutions, accompany this; and from them will appear everything which has been done by our Legislature touching the subject mentioned to me in your last favor.

I am, sir, &c., P. HENRY.

The Hon. John Jay, Esq.

VIRGINIA, to wit:

General Assembly begun and held at the public buildings, in the city of Richmond, on Monday, the 18th day of October, in the year of our Lord one thousand seven hundred and eighty-four:

An Act respecting further Confiscations.

Whereas it is stipulated by the sixth article of the treaty of peace between the United States and the King of Great Britain that there shall be no future confiscations made:

Be it enacted, That no future confiscations shall be made, any law to the contrary notwithstanding: *Provided*, This act shall not extend to any suit depending in any court which commenced prior to the ratification of the treaty of peace.

ARCHIBALD CARY,

Speaker of the Senate.

JOHN TYLER,

Speaker of the House of Delegates.

Certified as a true copy from the enrolment.

JOHN BECKLEY,

Clerk of the House of Delegates.

FROM RICHARD CASWELL TO JOHN JAY.

North Carolina, Kingston, June 21, 1786.

Sir,

Your letter of the 3d of last month I had the honor to receive, and, in compliance therewith, you have enclosed a copy of a procla-

mation issued by my predecessor in office, and a copy of an act to restore to Mr. Bridgin his estate.

These are the only acts of the legislative and executive powers of this State, in consequence of the definitive treaty of peace between the United States of America and Great Britain, and the recommendation of Congress thereupon, that I at this time recollect.

I have the honor to be, &c.,

RH. CASWELL.

STATE OF NORTH CAROLINA.

At a General Assembly begun and held at Newbern on the 19th day of November, Anno Domini 1785,

Among other acts was passed the following, viz :

An Act to restore to Edward Bridgin, his heirs and assigns, all his property, real and personal, in this State.

Whereas the estate of Edward Bridgin, merchant of London, hath been confiscated by the laws of this State : and whereas a committee of the General Assembly have reported they are of opinion that the said Edward Bridgin is entitled to every indulgence of the Legislature :

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the real and personal estate of the said Edward Bridgin, lying and being in this State, confiscated as aforesaid, and as yet undisposed of, and the amount of purchase money or obligations for such part as has been sold, be, and hereby is, restored to him, his heirs and assigns, and shall not be liable to the operation of any confiscation law heretofore made.

Read three times, and ratified in General Assembly the 29th day of December, A. D. 1785.

ALEXANDER MARTIN,

Speaker of the Senate.

RD. DOBBS SPAIGHT,

Speaker of Commons.

I certify the foregoing to be a true copy.

WINSTON CASWELL, *Secretary.*

STATE OF NORTH CAROLINA.

By his Excellency Samuel Johnston, Esquire, Governor, Captain-General, and Commander-in-Chief in and over the said State.

To all whom these presents shall come :

It is certified that James Glasgow, who certifies the act hereunto annexed to be a copy of the original act filed in the Secretary's office, is Secretary of the said State; and that full faith and credit are due to his official acts.

Given under my hand and the great seal of the State, at Edenton, this 25th day of August, 1788.

SAMUEL JOHNSTON.

By his Excellency's command :

WILLIAM JOHNSTON DAWSON, P. S.

[The following is the title of the act herein referred to :]

An Act declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the land.

FROM WILLIAM MOULTRIE TO JOHN JAY.

Charleston, South Carolina, June, 21, 1786.

Sir,

I have been honored with your favor of the 3d of May, requesting to know, for the information of Congress, how far this State has complied with the proclamation and recommendation of Congress of the 14th January, 1784.

The subjects of Great Britain have encountered no other difficulties or impediments than have the citizens of America in the recovery of their debts. Such was the situation of the State, that the Legislature conceived it necessary to pass laws tantamount to the shutting the courts; and in this case, even British subjects who had property among us were saved from ruin equally as those of America.

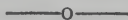
Agreeably to the 5th article of the treaty, which Congress earnestly recommended, this State, upon serious consideration, very liberally complied with that recommendation, and restored most of the estates

that were under confiscation. The property carried off by the British, and belonging to the citizens of the State, far exceeds in value the property which by our laws has been confiscated and sold; and no subsequent act of confiscation has taken place to the above recommendation of Congress.

This State passed an act February 26, 1782, to prevent the recovery of debts; and this being done prior to the treaty of peace, and since continued from time to time in force, could not possibly have in view to distress the British subjects.

The treaty of peace also required twelve months to be allowed banished persons, and others attached to the British Government, to settle their affairs. This State has generously added three months more to the twelve, and, in some instances, upon application, it has been further extended by the Executive.

I have the honor to be, &c., WILLIAM MOULTRIE.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, 16th June, 1787.

Sir,

Enclosed is a copy of the translation, from the Dutch into the English, of the contract entered into by me in behalf of the United States, by virtue of their full power, for a million of guilders. This measure became absolutely necessary to prevent the total ruin of their credit, and the greatest injustice to their former creditors, who are possessed of their obligations; for the failure in payment of the interest, if but for one day, would, in Holland, cause those obligations to depreciate in their value like paper money.

It is of great importance that this contract should receive a prompt ratification in Congress, and be retransmitted to Amsterdam as soon as possible. Whether this loan may not enable Congress, or their Board of Treasury, to raise the credit of their own paper at home, in some degree, is for them to consider; and whether the Board of Treasury may not purchase produce to advantage, and contract to have it delivered free of all risk and charges at Amsterdam, and pay for it in bills of exchange, I know not. If they do this, I should advise them to send one cargo to the house of Willinks, and another to the house of Van Staphorst, instead of

consigning the whole jointly to both houses. This would not only excite an emulation between the two houses to make the most advantage for the interest of the United States, but would prevent delays and other inconveniences which must arise from two houses meeting to consult and dispose of a vessel and cargo.

As the brokers or money-lenders were pleased to insist upon my signature to all the obligations, I was obliged to make a tour to Amsterdam for that purpose, and happened to enter the city the day after the first riots, which continued two nights while I was there. The proceedings of the Prince of Orange have at last brought on a crisis; and the English are holding out an appearance as if they thought it possible they might be obliged to take a part in it. If no foreign Power interferes, the patriotic party is so much stronger than the other, that I think the Prince must give way in the principal points in controversy. If any one foreign Power interferes, many others must follow the example. This being well known, and France and England weary of war for the present, I hope the Dutch will be left alone to settle their own disputes.

With great respect, &c.,

JOHN ADAMS.

A Contract for a Loan of one million Guilders.—Translated from the Dutch.—WOLFF.

On the 1st day of June, in the year 1787, appeared before me, Peter Galenus Van Hole, notary of Amsterdam, admitted by the honorable Court of Holland,

His Excellency the Honorable John Adams, Esquire, Minister Plenipotentiary on the part of the United States of America, &c., &c., in quality, as especially empowered and authorized by the abovementioned States of America, in Congress assembled, for and in behalf of said States of America, to raise a loan with any person or persons, States or companies, with subjoined assurance, in good faith to ratify and fulfil all that shall be done in this respect by him, honorable appearer, according to authentic copy and translation of the original commission or power exhibited to me, notary, and deposited in my custody in behalf of the joint money-lenders.

The honorable appearer residing in London, but being now in this city.

And the honorable appearer acknowledged himself in his aforesaid quality, and thus, in the name and in behalf of the abovementioned States of America, to be duly and lawfully indebted to and in behalf of sundry persons or money-lenders, in all a sum of one million of guilders, Dutch current money, arising from and on account of so much ready money received by him, the honorable appearer, in his aforesaid quality, to his perfect satisfaction, from the said money-lenders, pursuant to the receipt hereafter mentioned to be signed by the honorable appearer, under the authentic copies hereof; expressly and formally disavowing the excuse of untold moneys.

And the honorable appearer promised, in his aforesaid quality, to repay and reimburse, in this city, the said sum of one million of guilders, free from all costs, charges, and damages, to the abovementioned money-lenders, or their assigns, at the expiration of fifteen years after the 1st day of June, 1787, and that in the following manner, to wit:

That the abovementioned principal shall remain fixed during the space of ten years, and that, with the eleventh year, and thus on the 1st day of June, 1798, a fifth part, or two hundred thousand guilders, of the said principal of one million, shall be redeemed; and in the same manner, from year to year, until the 1st day of June, 1802, inclusive; so that the whole principal shall be redeemed and discharged within the abovementioned space of fifteen years.

And that meanwhile, for said principal, at first for the whole, and afterwards for the residue, at the expiration of every year, interest shall be paid at the rate of five per cent. in the year, commencing the 1st day of June, 1787, and continue until the final accomplishment, and that on coupons to be signed by, or on the part of, said honorable appearer, in his aforesaid quality.

That the abovementioned redeeming shall be performed by drawing, in the presence of a notary and witnesses, in this city, after the expiration of the first-mentioned ten years, in such a manner that the numbers of the bonds or obligations drawn shall be betimes made known in the public papers.

That the payment of the interests, as also the redeeming of the respective periods, shall be made at the counting-houses of the hereafter mentioned gentlemen directors, or at such other places within this city as shall likewise be advertised in the public papers.

That the directors of this negotiation shall be Messrs. Wilhem

and Jan Willink, and Nicholas and Jacob Van Staphorst, of this city, merchants; who are, by these presents, thereto named and appointed by the honorable appearer, in his aforesaid quality.

The honorable appearer promising and engaging, in the names of his constituents, that the amount of the interests and of the redeemings, to be made, from time to time, of the said principal, shall be in due time remitted to the aforesaid gentlemen directors, their heirs or successors, in good bills of exchange, American products, or in ready money, without any abatement or deduction whatsoever.

That this bond or obligation shall never be subject to any imposts or taxes already laid, or in time to come to be laid, in the said United States of America, or any of them, even in case (which God forbid) any war, hostilities, or divisions, should arise between the aforesaid United States, or any of them, on the one side, and the States of these lands on the other; and that the payment of principal or interests of this bond or obligation, accordingly, can, in nowise, nor under any pretext whatsoever, be hindered or delayed.

The honorable appearer, in his aforesaid quality, promising and engaging, moreover, for and in the names of the said United States, that there shall never be made, or entered into by them, or on their parts, or any of them in particular, any convention or treaty, public or private, at the making of peace or otherwise, by which the validity and accomplishment of these presents might be prejudiced, or whereby any thing contrary thereto might be stipulated; but that, without any exception, the contents hereof shall be kept and maintained in full force.

The honorable appearer, in his aforesaid quality, likewise promises, engages, and binds himself, by these presents, that this engagement shall be ratified and approved as soon as possible by said United States in Congress assembled, and that an authentic copy, translation of said ratification, with the original, shall be deposited in custody of me, the said notary, to be there kept with said authentic copy, translation of the commission or power of him, honorable appearer, and the engrossed hereof, for the security of the money-lenders, until the abovementioned principal and interests as aforesaid shall be redeemed and paid off.

And there shall be made of this act, (as the honorable appearer in his aforesaid quality consents,) above and besides the above-

mentioned engrossed, one thousand authentic copies, which shall be of the same force and value, and have the same effect as the engrossed one, under every one of which copies shall be placed a receipt of one thousand guilders, Dutch current money, either on name or in blank, at the choice of the money-lenders, to be signed by him, honorable appearer, and which receipts shall be respectively numbered from number one to one thousand, inclusive, and countersigned by the abovementioned gentlemen directors, and duly recorded by me, the said notary, as a testimony that no more than one thousand bonds or obligations are numbered by virtue of this act.

All which authentic copies, with the receipts thereunder placed, shall, at the redeeming of the principal, be restored by the bearers.

On failure of prompt payment, as well of the principal as of the interests, at the appointed periods, the principal, or residue thereof, may be demanded by the gentlemen directors, in behalf of the money-lenders who shall be then interested therein; and the aforesaid constituents and committents of him, honorable appearer, shall, in that case, be held and bound to redeem and discharge immediately, in one sum, the remaining principal, with the interests and charges; for the accomplishment and performance of all the above written, the honorable appearer binds in his aforesaid quality, and thus, in the names and on the part of the abovementioned United States of America, the said United States of America, jointly, and each of them in particular, together with all their lands, chattels, revenues, and products, and also the imposts and taxes already laid and raised in the same, or in time to be laid and raised, and thus of all the United States of America, jointly, and each of them in particular, and for the whole.

He, the honorable appearer, renouncing in the names as above, for that purpose expressly, *beneficium divisionis*, as likewise *de duobus vel pluribus reis debendi*, signifying a retribution of debts, and that when two or more are indebted, each of them can satisfy with the payment of his portion; the honorable appearer promising, in his aforesaid quality, never to have recourse to the said or to any other evasions whatsoever.

This being passed, (after translation into English was made hereof, and which likewise is signed by the honorable appearer, and deposited in the custody of me, the said notary,) within Amsterdam aforesaid,

in the presence of Martinus Gerardus Brondgeest and Jacob D. Wolff, witnesses.

JOHN ADAMS,
M. G. BRONDGEEST,
J. D. WOLFF,
P. G. VAN HOLE, *Notary.*

Amsterdam, the 1st day of June, anno 1787.

Faithfully translated from the Dutch.

JOANNES VERGEEL LAC SON,
Sworn Translator.

Office for Foreign Affairs, October 12, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 16th June, 1787, from Mr. Adams, with the contract therein mentioned, reports:

That this contract appears to him to have been made under such circumstances as to render it expedient to ratify it; and, therefore, in his opinion, it would be proper for Congress to ratify it in the usual form.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN JAY TO JOHN ADAMS.

New York, September 4, 1787.

Dear Sir,

Although I have nothing important to say or transmit, yet I cannot let the packet sail without a few lines to you.

I wrote to you the 31st of July, by Major Sears, and have since received yours of the 16th June, with the contract mentioned in it. They are on the table of Congress, but the want of an adequate representation of the States has prevented anything being yet done on that, or, indeed, on any other subject, since their arrival.

Until the convention rises, I fear Congress will continue much in its present state, and, of course, many things will be left undone which ought to be done.

My report respecting your return lies in the state it was, although nothing on my part has been omitted to obtain a decision on it. It

is expressed in terms which, so far as it respects yourself individually, will, I flatter myself, strongly evince the respect and esteem with which I am, &c.,

JOHN JAY.

P. S. A packet with newspapers accompanies this. Be pleased to present my compliments to Colonel Smith.

Extract from the Secret Journals of Congress, August 1, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom were referred two letters from the Honorable John Adams, of the 24th and 27th January last, having reported that in his opinion it would be proper to resolve, "That the Honorable J. Adams, the Minister Plenipotentiary of the United States at the Court of London, be permitted, agreeably to his request, to return to America at any time after the 24th February, 1788; and that his commission of Minister Plenipotentiary to their High Mightinesses do also then determine;" and the same being under consideration, a motion was made by Mr. Dane, seconded by Mr. Clark, to amend it by inserting immediately after "1788" the words following, viz: "And that a person be appointed to take charge of the affairs of the American legation at the Court of London, from the expiration of the commission of the present Minister to the arrival there of another Minister to succeed him, or until the further order of Congress:"

On the question to agree to this amendment, the yeas and nays being required by Mr. Dane, the question was lost.

The proposition of the Secretary for Foreign Affairs being divided on the question to agree to the first part as far as "1788" inclusive, the yeas and nays being required by Mr. Grayson, the question was lost.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, October 3, 1787

Dear Sir,

Still I am unable to give you satisfactory information on the old and interesting subject of your return. My report on it is not yet decided upon by Congress, although some progress has been made in it. My endeavors to forward it shall continue unremitted.

My last to you was on the 4th day of September, since which I have not had the honor of receiving any letter from you. Your letter of the 16th June last, with the paper it enclosed, were immediately laid before Congress, and I hope soon to be enabled to send you the ratification you mention; for I flatter myself there will be no difficulty on that head.

I enclosed a copy of the Federal Government recommended by the Convention, and which has already passed from Congress to the States. What will be its fate in some of them is a little uncertain; for, although generally approved, an opposition is to be expected, and in some places will certainly be made to its adoption.

There are now but nine States represented in Congress, and unless that number should continue there for some weeks, much business, and particularly in the Department of Foreign Affairs, will remain unfinished. There is much to be done, and I am apprehensive that much will be left too long undone; for the expectation of a new Government will probably relax the attention and exertions of the present.

With great and sincere esteem and regard, I have the honor to be, &c.,

JOHN JAY.

Extract from the Secret Journals of Congress, September 24, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom were referred two letters from the honorable John Adams, of the 24th and 27th of January last, having reported that the first of these letters gives occasion to several questions:

1. Shall Mr. Adams return after the expiration of his commission to the Court of London, viz: the 24th February, 1788?

And having on this reported that he is persuaded Mr. Adams really wishes and means to return next spring: Whereupon,

Resolved, That the Honorable John Adams, the Minister Plenipotentiary of the United States at the Court of London, be permitted, agreeably to his request, to return to America at any time after the 24th of February, in the year of our Lord 1788; and that his commission of Minister Plenipotentiary to their High Mightinesses do also then determine.

The Secretary having also reported the following resolution:

That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him ; and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity, and diligence with which he has ably and faithfully served his country.

A motion was made by Mr. Henry Lee, seconded by Mr. Blount, that the consideration of this be postponed. And on the question for postponement, the yeas and nays being required by Mr. King, the question was lost.

A division was then called for ; and on the question to agree to the first clause as far as the word "him," inclusive, the yeas and nays being required by Mr. King, the question was lost.

On the motion to agree to the second clause, the yeas and nays being required by Mr. King, the question was lost.

The Secretary having further reported, that the second question arising from the letter is, whether it will be expedient for the United States to appoint another Minister to take the place of Mr. Adams at the Court of London ? And on this head, having given his opinion that it will be expedient to appoint another, because there do exist differences between the United States and the Court of London, which cannot too soon be adjusted, which must become the subject of occasional explanations and negotiations, and which, on the part of the United States cannot be so well managed and conducted as by means of an intelligent and discreet Minister on the spot, your Secretary's feelings strongly prompt him to retaliate the neglect of Britain in not sending a Minister here ; but as he conceives that such retaliation would eventually produce more inconveniences than advantages, he thinks it had better be omitted ; especially as he is persuaded that this neglect will cease the moment that the American Government, and the administration of it, shall be such as to impress other nations with a degree of respect, which various circumstances deny to Congress the means of imposing at present. He thinks it should be the policy of the United States, at present, to keep all things as smooth and easy, and to expose themselves to as few embarrassments as possible, until their affairs shall be in such a posture as to justify and support a more nervous style of conduct and language. Britain disputes the eastern boundary of the United States ; she holds important posts and territories on the frontiers ; and

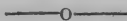
she complains that the treaty of peace has been violated by America. These affairs are important, and the management of them requires prudence and temper, especially considering how little the actual state of our national affairs tends to repress the influence, either of unfriendly dispositions and passions, or of that kind of policy which the weakness of neighbors is very apt to suggest and promote; and that, if Congress concur in the opinion that a Minister should succeed Mr. Adams, a resolution like the following would perhaps be the most proper, viz:

Whereas, divers important affairs still remain to be arranged and adjusted between his Britannic Majesty and the United States, which, on their part, cannot be so well conducted as by means of a Minister Plenipotentiary at the Court of London: Therefore,

Resolved, That a Minister Plenipotentiary to reside at that Court be appointed; and that his commission take effect on the 25th day of February, 1788, and continue in force for the space of three years thereafter, unless sooner revoked.

On motion,

Ordered, That the consideration of this part of the report be postponed.



FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, October 16, 1787.

Dear Sir,

Since my last to you of the 3d instant, I have not been favored with any letters from you.

I have at length the pleasure of transmitting to you, herewith enclosed, an act of Congress complying with your request to return, and expressing their sentiments of, and their thanks for, the important services you have rendered your country. They have not yet come to any decision respecting a Minister or a Chargé d'Affaires at London, nor directed me to convey to you any instructions relative to any matters within the department of your legation.

You will also find, herewith enclosed, a certified copy of an act of Congress of the 11th instant, for ratifying the contract you made on the 1st of June last, together with the ratification in form.

One of your former letters mentioned the advances made by Mr. Richard Harrison, at Cadiz, to Captain Erwin and his crew. I now

enclose a certified copy of an act of Congress of the 12th instant, directing the Board of Treasury to reimburse Mr. Harrison.

A set of the printed Journals of Congress, from the 10th May to the 25th September last, together with a succession of newspapers from the date of my last letter to this day, will also accompany this.

I am not without fears that one or perhaps more of your letters have miscarried ; for none which have hitherto come to hand make any mention of Colonel Smith's arrival and reception in Portugal. Perhaps you may have had reasons to postpone writing on those subjects for the present ; and I mention it only that you may know, in case you have written, that your letters have not come to hand.

The public mind is much occupied by the plan of Federal Government recommended by the late convention. Many expect much good from its institution, and others will oppose its adoption. The majority seems at present to be in its favor. For my part, I think it much better than the one we have, and therefore that we shall be gainers by the exchange ; especially as there is reason to hope that experience and the good sense of the people will correct what may prove to be inexpedient in it. A compact like this, which is the result of accommodation and compromise, cannot be supposed to be perfectly consonant to the wishes and opinions of any of the parties. It corresponds a good deal with your favorite, and, I think, just principles of government ; whereas the present Confederation seems to have been formed without the least attention to them. Congress have thought it best to pass a requisition for the expenses of the ensuing year ; but, like most of their former ones, it will produce but little.

As Mr. Jefferson's present commission will soon expire, Congress have directed another to be prepared for him. What further arrangements they may think proper to make relative to their foreign affairs, is as yet undetermined. I am inclined to think that, until the fate of the new Government is decided, no very important measures to meliorate our national affairs will be attempted.

It is much to be wished that our friends the Dutch may be able to escape the evils of war in a manner consistent with their true interest and honor. I think it fortunate that neither France nor Britain is ripe for hostilities. A little republic surrounded with powerful monarchies has much to apprehend, as well from their politics as their arms. It gives me pleasure to reflect that we have no such

neighbors, and that, if we will but think and act for ourselves, and unite, we shall have nothing to fear.

I wish it may be convenient to you to return in some vessel bound to this port, that I may have the pleasure of taking you by the hand, and personally assuring you of the sincere esteem and regard with which I am, &c.,

JOHN JAY.

Extract from the Secret Journals of Congress, October 5, 1787.

The Secretary of the United States for the Department of Foreign Affairs, to whom were referred two letters from the Honorable John Adams of the 24th and 27th of January last, having reported as follows:

The first of these letters gives occasion to several questions.

1. Shall Mr. Adams return after the expiration of his commission to the Court of London, viz: 24th February, 1788? Your Secretary is persuaded that Mr. Adams really wishes and means to return next spring, and therefore thinks it would be proper for Congress to resolve that the Honorable John Adams, the Minister Plenipotentiary of the United States at the Court of London, be permitted (agreeably to request) to return to America at any time after the 24th February, in the year of our Lord 1788, and that his commission of Minister Plenipotentiary to their High Mightinesses do also then determine;

And having also reported a resolution approving his conduct, and giving him the thanks of Congress, both resolutions were agreed to, as follows:

“*Resolved*, That the Honorable John Adams, the Minister Plenipotentiary of the United States at the Court of London, be permitted, agreeably to his request, to return to America at any time after the 24th day of February, in the year of our Lord 1788; and that his commission of Minister Plenipotentiary to their High Mightinesses do also then determine.

“*Resolved*, That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him; and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity, and diligence with which he has ably and faithfully served his country.”

The Secretary having further reported—

The second question arising from this letter is, whether it will be expedient for the United States to appoint another Minister to take the place of Mr. Adams at the Court of London? On this head, the Secretary is of opinion that it will be expedient to appoint another, because there do exist differences between the United States and the Court of London which cannot too soon be adjusted, which must become the subject of occasional explanations and negotiations, and which, on the part of the United States, cannot be so well managed and conducted as by means of an intelligent and discreet Minister on the spot. Your Secretary's feelings strongly prompt him to retaliate the neglect of Britain in not sending a Minister here; but as he conceives that such retaliation would eventually produce more inconveniences than advantages, he thinks it had better be omitted, especially as he is persuaded that this neglect will cease the moment that the American Government, and the administration of it, shall be such as to impress other nations with a degree of respect which various circumstances deny to Congress the means of imposing at present. He thinks it should be the policy of the United States at present to keep all things as smooth and easy, and to expose themselves to as few embarrassments as possible, until their affairs shall be in such a posture as to justify and support a more nervous style of conduct and language. Britain disputes the eastern boundary of the United States; she holds important posts and territories on the frontiers; and she complains that the treaty of peace has been violated by America. These affairs are important, and the management of them requires prudence and temper, especially considering how little the actual state of our national affairs tends to repress the influence either of unfriendly dispositions and passions, or of that kind of policy which the weakness of neighbors is very apt to suggest and promote. If Congress should concur in the opinion that a Minister to succeed Mr. Adams should be appointed, a resolution like the following would perhaps be the most proper:

“Whereas, divers important affairs still remain to be arranged and adjusted between his Britannic Majesty and the United States, which, on their part, cannot be so well conducted as by means of a Minister Plenipotentiary at the Court of London: Therefore,

“*Resolved*, That a Minister Plenipotentiary, to reside at that Court, be appointed; and that his commission take effect on the

‘25th day of February, 1788, and continue in force for the space of three years thereafter, unless sooner revoked.’

Your Secretary conceives it would be best that this Minister should be appointed so early as that he might have time to reach London by the 1st of February, in order that he may have an opportunity of receiving information from Mr. Adams respecting characters and affairs; and that the progress of the business of the legation may not be stopped by the expiration of Mr. Adams’s commission.

On the question,

“*Resolved*, That this part of the report be postponed.”

The Secretary having proceeded in his report—

But if Congress should either not incline to appoint another Minister, or should think proper to postpone it so long as that he will not probably be in London in February, then he thinks it would be right to consider another question arising from the letter, viz: Whether it would be expedient to constitute Colonel Smith Chargé d’Affaires? On this head your Secretary finds himself embarrassed. For, on the one hand, he esteems Colonel Smith as a gentleman of acknowledged merit, who has uniformly deserved well of his country; and on the other, the light in which the duties of his office have hitherto been viewed, gives the color of propriety only to his reporting on the expediency of appointments, and not on the persons most proper to be appointed. And as the letter referred to him, and now under consideration, does nevertheless raise the question relative to the person as well as the place, he thinks it proper to make these remarks, lest, if not adverted to, his omitting to report on the former as well as the latter might be ascribed to other than the true reasons. He thinks that if, when, Mr. Adams quits the affairs of the legation, they are not to pass immediately into the hands of a successor, there can be little doubt of the expediency of appointing a proper person to take charge of them. In that case, therefore, it would, in his opinion, be proper to resolve that a person be appointed to take charge of the affairs of the American legation at the Court of London, from the expiration of the commission of the present Minister to the arrival there of another Minister to succeed him, or until the further order of Congress.

On this part of the report a question was taken to agree thereto, and was lost.

FROM JOHN JAY TO JOHN ADAMS.

Office for Foreign Affairs, 3d November, 1787.

Dear Sir,

I had the honor of writing to you on the 16th day of last month, and have now that of transmitting to you, herewith enclosed, a duplicate of the ratification of your late contract, together with a copy of two acts of Congress, viz: one of the 18th day of July, authorizing Mr. Jefferson to redeem our captives at Algiers; and the other, of the 12th day of October, appropriating the residue of the eighty thousand dollars, formerly destined for treaties with the Barbary Powers, as a fund for such redemption.

The newspapers, subsequent to the date of my last, will accompany this.

With great and sincere esteem, &c.,

JOHN JAY.

Extract from the Journals of Congress, October 11, 1787.

The ratification of the above contract by the United States in Congress assembled, is in the words following:

Be it remembered that the within contract or engagement entered into by the Honorable John Adams, Minister Plenipotentiary of the United States of America to their High Mightinesses the Lords the States General of the United Netherlands, in behalf of the said States, with sundry money-lenders, for a loan of one million of guilders, Dutch current money, dated at Amsterdam, the 1st day of June, 1787, hath been read in Congress, approved and ratified, and declared obligatory on the United States of America.

Done in the City Hall, in the city of New York, by the United States in Congress assembled, this 11th day of October, in the year of our Lord 1787, and in the twelfth year of our sovereignty and independence.

Extract from the Secret Journals of Congress, October 12, 1787.

On a report of the Board of Treasury, in consequence of an act of 18th July,

Resolved, That the balance of the appropriation for the Barbary treaties, of the 14th February, 1785, not hitherto applied to that

object, be, and it is hereby, constituted a fund for redeeming the American captives now at Algiers; and that the same be for this purpose subject to the direction of the Minister of the United States at the Court of Versailles.

That the acts of Congress of the 14th February, 1785, and such part of the resolves of the 18th July, 1787, as direct provision to be made for the above object, be, and they are hereby, repealed.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, September 10, 1787.

Dear Sir,

Enclosed is a letter from the Portuguese Minister to me of the 7th of September, and my answer of this day, the 10th.

This is so pointed a proposition that Congress will undoubtedly send an answer either in the affirmative or negative. The regard of sovereigns to one another renders this indispensable; and I am not able to see how a compliance with so civil a request can well be avoided. Congress may agree to the proposition, and her Majesty will appoint her Minister; and whether the American Minister is soon appointed or not, the forms and decencies will be preserved. If it were only on account of the Algerines to watch their motions, and concert measures against them, I should think it prudent for the United States to have a Minister at Lisbon.

Colonel Smith will write you an account of his journey and voyage, and of the termination of his commission, according to his wishes and to his satisfaction. Congress, I hope too, will be satisfied. But if a regular Minister had been sent upon this service, and ordered to return as soon as he had accomplished it, her Majesty would probably have sent a Minister to New York without further delay. I ought not to conclude without observing that these missions by deputation are unknown to Courts and Ministers, and to the law of nations; and if a legal question should ever be made concerning them, the United States will infallibly be dishonored by a formal decision against them. In Mr. Barclay's case, had the decision of the Parliament of Bordeaux been appealed to from Court, it must have been reversed. The character of Ambassadors is held sacred, and their prerogatives very high, both by the law of nations

and the ceremonials of all courts and sovereigns ; and there is great reason to fear that the citizens of America will have cause for severe repentance if they make too light of it. Indulgences, founded on the supposition of our inexperience, or, to use a more intelligible word, our ignorance, cannot be expected to continue long. Colonel Smith met with a condescension that astonished all the foreign Ministers ; and Mr. Barclay with a good fortune, of which it is very dangerous to try another experiment.

With great regard, &c.,

JOHN ADAMS.

FROM THE CHEVALIER DEL PINTO TO JOHN ADAMS.

[Translation.]

London, September 7, 1787.

Sir,

I have received orders from my Court to inform you that, notwithstanding no answer has hitherto been made to the project of a commercial treaty which we conferred about in London, nevertheless, sir, the inclinations of her Most Faithful Majesty are not less ardent, nor less disposed to conclude this same treaty with the United States of America, on suitable terms and conditions. And I am, moreover, directed to add, sir, that my Court will not delay to give you the most convincing and immediate proofs thereof.

I am desired, at the same time, to observe to you that it would be very useful and suitable to appoint Ministers as soon as possible on the part of the two Powers ; and my Court expressly orders me to endeavor to arrange this important point with you, sir, and to agree definitively on the character these Ministers are to bear in their missions. It is essential to inform you, on this head, that it will be necessary to fix (at least) on the title of Resident Minister, on account of reception at the Court of Lisbon, which is never granted either to simple agents or to Consuls General ; and, as soon as this point shall be fixed, I have orders to assure you, sir, that the Court of Lisbon will lose no time to appoint and send to America the person that shall be chosen to reside with the Congress of the United States.

I have the honor of being, &c.,

LE CHEV. DEL PINTO.

FROM JOHN ADAMS TO THE PORTUGUESE MINISTER.

Grosvenor Square, September 10, 1787.

Sir,

I have received the letter which you did me the honor to write me on the 7th of this month, and have observed, with great satisfaction, the assurances of her Most Faithful Majesty's desire to conclude with the United States of America a treaty of commerce upon convenient conditions.

I am very well convinced, sir, of the utility and convenience which would be found in the nomination of Ministers between the two Powers; and if it depended upon me, I flatter myself there would be no difficulty in concerting with your Excellency, both that important point and the character those Ministers should bear in their missions. But as I have neither instructions nor authority from my sovereign to justify me in entering into such negotiations, I can only transmit to Congress copies of your Excellency's letter, and of my answer. This I shall have the honor to do the first opportunity. The earnest desire of the citizens of the United States of America to show their respect for her Most Faithful Majesty, and to live in perfect friendship with all her Majesty's dominions, will, undoubtedly, induce Congress to transmit, as soon as possible, their answer to her Majesty's friendly proposition.

I have the honor to be, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, September 22, 1787.

Dear Sir,

Yesterday I was honored with yours of the 31st of July, and the instructions of Congress, and other papers enumerated in it. This packet comes at a very fortunate moment; and although there is no act of the great States of Virginia and South Carolina, in consequence of the circular letter of Congress of the 13th of April, there are proceedings of so many others as to furnish something solid to say to this Court. The injunctions of Congress shall be obeyed, and there is some reason to believe that the British Ministry will listen at this time with attention. This country is now in a critical situation.

The Courts of London and Berlin have been advised by their Ministers at the Hague to hold their heads very high, and speak in a high tone in favor of the Prince and Princess of Orange, in order to encourage their friends and intimidate the opposition to them, in full confidence that the internal state of politics and finances in France will not permit the Court of Versailles to interfere. In this sanguine expectation they may possibly be disappointed, and, by their precipitate proceedings, find themselves involved in a war they never intended. The probability, if not certainty, of a war between the three Empires, and the romantic quarrel to revenge an irreverence to a Princess, (as silly a tale as the Trojan war on account of Helen,) have opened so serious a prospect to this nation, that there is room to hope that the Ministry will be more attentive and more equitable towards America. The French Court are sending out the Count de Moustier as Minister to Congress. You will have no difficulty to believe that this movement has been dictated by wisdom and prudent foresight. If the British Cabinet have equal circumspection, they will see the same necessity; but no dependence can be placed upon the judgment of the present Cabinet. The United States of America will take the coolest precautions, while they fulfil their engagements with honor, to maintain their neutrality inviolate. If a general and lasting war in Europe should ensue, and America preserve her peace, she will be, at the close of it, the first country in the world, in point of affluence and prosperity, if not in real power. In case of a war, my situation here will be extremely delicate. The United States and their Ministers stand in certain relations to France and Holland, from whence result duties which must, in all events, be fulfilled. There are other duties towards England: to reconcile these among all the jarring interests and inflamed passions in a state of war, will be somewhat difficult; but I flatter myself it may be done for the few months that remain before the expiration of my commission.

With the truest esteem, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, September 22, 1787.

Dear Sir,

There was yesterday, in the river, an impress of seamen, and several American vessels had their men taken from them. An

application was made to me this morning, by a master of a ship from New York, and I instantly wrote the enclosed letter to Lord Caermarthen, and went in person to Whitehall to deliver it. His Lordship read the letter, and the representation to me from the captain; and, after some conversation on the subject, assured me that he would take measures to have the men restored, and precautions against such mistakes in future. This opportunity was a favorable one for some communication of sentiments upon the present posture of affairs, and his Lordship was invited to talk upon the subject by several questions which were proposed to him. His Lordship's answers were civil enough. "He hoped there would not be war; he should be very sorry for a war," &c., &c. But nothing was to be learned from him, if he knew anything; one fact, indeed, his Lordship assured me of, viz: that war is in truth declared by the Porte against Russia; that the Count de Montmorin had sent him an extract of a despatch of Monsieur de Choiseul, the French Ambassador at Constantinople, containing an account of it; and that the French Ministry had done him the justice to believe that the English Ambassador and Ministry had done nothing to excite this declaration. His Lordship's last despatches from Constantinople assured him of every appearance of peace; so that the declaration must have been some sudden emotion of the Mufti or Janissaries, &c. It is easy to believe that the English did not excite the Turks to declare, for that step excuses France from any obligation to aid the Porte.

The present conjuncture appears the most critical and important in Europe of any that has ever happened in our times. Mankind seems impatient under the yoke of servitude that has been imposed upon them, and disposed to compel their governors to make the burden lighter. But the wars that now threaten have no tendency that way, or but a remote one; and what dependence can be placed upon the common people in any part of Europe?

Upon my return home, another American master of a vessel from Alexandria, in Virginia, came with his complaint that the press-gang had taken all his men. I will demand every man, as fast as I shall be informed of his being pressed; but I am much afraid of pretences, excuses, &c., &c. I expect to hear that one sailor is Irish, another Scotch, and a third English. All in my power, however, shall be done; and you shall be informed of the result.

With great respect, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO LORD CAERMARTHEN.

Grosvenor Square, September 22, 1787.

My Lord,

I do myself the honor to enclose to your Lordship a letter this moment received from the master of a vessel belonging to the United States of America. His name is John Douglas, commander of the ship *Four Friends*, American built, and the property of Andrew Van Tuyl, merchant of New York. He informs me that as two of his people were going on shore for provisions for the day, they were seized by the press-gang, and forced on board his Majesty's brig *Despatch* then lying at Execution dock; that the gang then came on board his vessel, and attempted to open his hatches, when his chief mate opposed them, and informed the officers that they were American citizens. That although the officers of the press-gang then went away, there is reason to believe that another disagreeable visit will be made before morning, which will distress him exceedingly as his ship is completed for sea and bound for New York.

The names of the two men pressed are Joseph Cowley, a native of the city of New York; the other is a negro man, called *Primus*, the property of Mr. Andrew Van Tuyl, merchant of New York, but a native of the city.

It is my duty, my Lord, to make this representation to his Majesty's Ministers, and to request that orders may be given for the restoration of these men to the master of their vessel; and further, to propose to your Lordship's consideration whether it be not expedient that some general order should be given upon this occasion to the officers of his Majesty's navy, to give a particular attention to American vessels and seamen, lest perplexities and inconveniences of this kind should be multiplied.

With great respect, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, September 23, 1787.

Dear Sir,

The accounts from Holland and France are very discouraging; so much so, that it would be imprudent to enter into a detail of evils that are inevitable. The Republic of Holland is in the utmost

danger of being extinct ; and if the old forms are hereafter preserved, the Prince will be so much master in reality, that the friends of liberty must be very unhappy, and live in continual disgrace and danger. The English are arming with all the affectation of spirit and firmness, and France neither moves nor negotiates with the least appearance of fortitude or understanding. To do the former justice, they have had the prudence to send, both to Versailles and the Hague, men of sense and business. England will rise in consideration and power, and France will fall in the eyes of all Europe. This will make the former overbearing, and her people insolent ; and France will soon, in my poor opinion at least, be obliged to go to war, or sink very low. The United States of America, instead of being more courted by the English, as they would probably be in case of a war, will rather be more neglected—perhaps treated cavalierly. It is easy to see, however, that the peace cannot continue long between the two European nations ; the philosophical visions of perpetual peace, and the religious reveries of a near approach of the millennium, in which all nations are to turn the weapons of war into implements of husbandry, will, in a few years, be dissipated. The armaments now making in England will disarrange Mr. Pitt's boasted plans of economy ; and, in short, there is every appearance that the peace of Europe will be for years but an armed truce. The surplus of revenue, so ostentatiously displayed to the public, is but an artful deception. Oh, fortunate Americans ! if you did but know your own felicity, instead of trampling on the laws, the rights, the generous plans of power delivered down from your remote forefathers, you should cherish and fortify those noble institutions with filial and religious reverence. Instead of envying the rights of others, every American citizen has cause to rejoice in his own. Instead of violating the security of property, it should be considered as sacred as the commandment, "Thou shalt not steal." Instead of trampling on private honor and public justice, every one who attempts it should be considered as an impious parricide, who seeks to destroy his own liberty and that of his neighbors. What would have become of American liberty, if there had not been more faith, honor, and justice in the minds of their common citizens, than are found in the common people in Europe ? Do we see in the Austrian Netherlands, in the United Netherlands, or even in the Parliaments in France, that confidence in one another, and in the common people, which enabled

the people of the United States to go through a revolution? Where is the difference? It is a want of honesty; and if the common people in America lose their integrity, they will soon set up tyrants of their own, or court a foreign one. Laws alone, and those political institutions which are the guardians of them, and a sacred administration of justice, can preserve honor, virtue, and integrity in the minds of the people.

With great respect, &c.,

JOHN ADAMS.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, London, October 9, 1787.

Dear Sir,

France appears at this moment in the light of a simple people, seriously disposed to peace, benevolence, and humanity; and, adjudging of the dispositions of others by her own, she seems, by her late glory and prosperity, to have been soothed into a security and tranquillity, out of which it is scarce possible to awaken her. England, on the other hand, appears like a nation smarting under her wounds, but covering her designs with a veil of deep dissimulation, while she was exerting her utmost craft to obtain an opportunity of gratifying her resentment. We need not look farther for the cause of the present strange appearances than the diplomatic arrangements of the two nations. Never was there a time when able and attentive men were so necessary for France at the Courts of London and the Hague, as at the late peace. The Count de Vergennes should have sent to both places men of the most enlarged capacities and diligent attention to the whole system of Europe. The Marquis de Verac is as honest a man, and as well intended, as he could have found; but I believe every man who knows him will agree with me, that a gentleman more unqualified for his mission could not have been found. The Comte de Adhemar has an elegant figure, handsome face, and is a favorite of the ladies; but, whether from his unfortunate paralytic stroke, or from his having no turn for the business of State, he appears to have been inattentive, not only to the affairs of Europe in general, but to those of England and Holland. The Spanish Minister has been extremely attentive to make his court to the royal family and the Minister here, and

has been so successful as to obtain the King's request that he might be promoted to the rank of a Marquis at home, and to that of Ambassador here; but, to speak freely to you as I ought, he does not appear to me to know or care much about the system of Europe. The French Chargé, too, who is an ingenious man, and well behaved, has had the good fortune to recommend himself to this Court, so as to be promoted to the rank of Minister Plenipotentiary at their instance. I have ever been upon good terms with all these gentlemen, and have no personal dislike to any of them; but I cannot but see and lament the causes which appear to have contributed to a catastrophe so outrageous to the rights of mankind, and so humiliating to the best friends we have or ever had in France, Holland, and Spain. I must confess that favoritism at the Court where he resides, in an Ambassador of any denomination, is, in my opinion, a fatal objection against him; because I know it to be impossible to be obtained without the most criminal simulation, on one hand, or negligence, or something worse, of the interests of his constituents, on the other. There is a great difference between being esteemed and beloved—between being upon decent, civil, and respectable terms, and being taken into the arms and embraced. Whenever and wherever this is seen in negotiations, something may justly be suspected to be amiss. Unfortunately, too, Monsieur de St. Priest, who has been long in Constantinople, and had a great reputation for ability and success in former negotiations, was recalled at a most critical time. England, on the contrary, appears to have been meditating a blow, even when the nation were generally expecting the commencement of the millennium from the operation of the commercial treaty. She has sent her shrewdest men to Versailles and the Hague. She appears to have been intriguing at Constantinople as well as in South America. She has been forming a league in Germany, and maintaining her navy on a formidable footing. France may be as indifferent as she will about Holland, but that will not secure her peace. The English cannot see without inward rage and fury—I might say, without terror and dismay—the works at Cherbourg; and let Holland's fate be what it will, let the Turks be disposed of as you please, in my opinion, France must demolish Cherbourg, and Spain set South America at liberty, or there will be war. The passions of this nation are at present in a flame; I hear such a language even in the streets, and in booksellers' shops, (the only

scenes of popular politics into which I think it prudent to venture,) that I am confident a war is not far off. The rage of this nation amazes me; with a gulf and a precipice of public ruin before their eyes, they are ready to take the leap with joy. The most interesting question for us is, whether we shall be neutral? This is undoubtedly our wisdom, and Congress and the States will take the most decided measures to prevent our people from giving any provocation. They will no doubt forbid, in the most effectual manner, any of their citizens from serving on board the ships of either nation, much less from taking commissions and committing depredations. But will all this preserve our neutrality? It is my duty to be explicit upon this occasion, and to say, that although the British Government may pretend, and even sincerely endeavor, to avoid a quarrel with the United States, at the commencement of the war, yet, if they should obtain any signal successes at first, (which it is not improbable they may,) there will arise such a spirit of domination and insolence in the nation as will stimulate hostilities against us. It is my duty, therefore, to advise that the best preparations for our own defence and security be made that are in our power.

The detail of affairs in Holland is too dismal to be repeated. The newspapers contain accounts melancholy enough. The plebeians and the monarch are too closely connected in Holland to be overcome by the patrician aristocracy, and no rational plan of a reformation of their Government has been concerted by the people or their leaders.

It is a repetition of the catastrophe of all ill constituted Republics, and is a living warning to our United States.

With great regard, &c.,

JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

London, October 25, 1787.

Dear Sir,

I do myself the honor to enclose copies of Mr. Fagel's letter to me of the 18th, and of my answer of this day, and of my letter to Mr. Dumas of this day.

I am sorry for his embarrassed situation, but know not the cause of it but by conjecture. One thing I know, that the United States

may very easily be involved in a war by indiscreet intimacies between their servants and foreign Powers and national parties. Congress have but two ways to take upon this occasion—either to dismiss Mr. Dumas, at the requisition of the States General, or to write a letter, or order one to be written, desiring their High Mightinesses to articulate the particulars of their exceptions and displeasure against Dumas. This may gain time, and save Mr. Dumas for so much time as will arrange all things decidedly in Holland.

With great regard, &c.,

JOHN ADAMS.

[A MEMORIAL.]

To their High Mightinesses the Lords the States General of the United Provinces of the Low Countries.

High and Mighty Lords,

The subscriber, Minister Plenipotentiary from the United States of America, has the honor to acquaint your High Mightinesses that Congress, on the 24th day of July last, resolved that Mr. Dumas be permitted to occupy and reside in the house of the United States at the Hague, until a Minister of the United States shall arrive there, or until the further order of Congress; and that Mr. Adams (the subscriber) do direct such repairs to be made at the expense of the United States to the said house, as may be really necessary to render it tenantable. That the subscriber has accordingly directed Messieurs Wilhem & Jan Willinks, Nicholas & Jacob Van Staphorst, bankers of the United States at Amsterdam, together with Mr. Dumas, to make the necessary reparations of the house, according to the intentions and order of Congress.

The subscriber has, therefore, the honor to request of your High Mightinesses all that friendly countenance and assistance to Messrs. Dumas, Willinks, and Van Staphorsts, which they may reasonably request, and as Congress, in similar cases, would be always cheerfully willing to render to any persons in America employed in services for your High Mightinesses.

Done this 1st day of October, 1787.

JOHN ADAMS.

FROM H. FAGEL TO JOHN ADAMS.

[Translation.]

Hague, October 18, 1787.

Sir,

I have had the honor of receiving duly your letter of the 1st instant, in which you have sent a memorial to their High Mightinesses on the subject of Mr. Dumas's situation. This memorial not being in French, as is the custom, but in English, could not be taken into formal deliberation; but as it has, nevertheless, been communicated to their High Mightinesses by me, I am authorized to write you, in answer, that by a note transmitted to me by said Dumas, dated the 28th of last month, and presented by me to their High Mightinesses the Lords Deputies of the Provinces of Holland and West Friesland, they have already been prayed to have an eye to the security of his person; that their High Mightinesses were unwilling that the said Dumas should be more embarrassed than any of their own inhabitants; but that they cannot conceal from you, sir, that the said Dumas little merits their protection, since he has conducted himself in a manner which, in many respects, is altogether improper. It is for this reason that, in the name of their High Mightinesses, I request you, sir, (a thing which is also expected from your discretion,) that you will employ him no longer here, but that you will appoint another person for Chargé d'Affaires here, during your absence.

I acquit myself of these orders, in having the honor to be, &c.,

H. FAGEL.

FROM JOHN ADAMS TO H. FAGEL.

London, October 25, 1787.

Sir,

I have received the letter you did me the honor to write me on the 18th October instant, and am extremely sorry to learn that the conduct of Mr. Dumas has not the approbation of their High Mightinesses.

As Mr. Dumas has not, that I recollect, been employed in any business by me since my residence in England, and as he has neither given me any account of his proceeding, nor transmitted his despatches to Congress through my hands, I am ignorant of the particulars of his conduct which are not approved by their High Mightinesses.

I have had so large experience of the friendship of their High Mightinesses to the United States of America, my sovereign, and of their candor and goodness towards myself, that I should not hesitate to comply with whatever I should know to be their inclination in any thing within my power, and consistent with my honor and my duty ; but as all the authority by which Mr. Dumas acts under the United States is derived directly from Congress, and not from me, and as he carries on his correspondence with that august body by means of their Ministers at New York, and not with me, it is not in my power to do more at this time, in compliance with the requisition of their High Mightinesses signified to me in your letter, than to transmit a copy of it to Congress, which shall be done by the earliest opportunity.

With great regard, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO MR. DUMAS.

London, October 25, 1787.

Sir,

I have received your letter of the 19th, and will transmit the enclosed to Mr. Jay ; but as you have for these two years transmitted your despatches through other channels, it is most advisable you should continue the same course.

Enclosed is a copy of a letter from Mr. Secretary Fagel, of the 18th of this month, in answer to my memorial written at your desire, and a copy of my answer of this day. The times are extremely critical, and American Ministers ought to be extremely cautious, (as you know ever was my maxim and principle, and ought now to be more so than ever,) to keep American affairs perfectly distinct and independent of those of all other nations, lest our country should be involved in calamities for causes that are not her own.

With much esteem, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 15, 1787.

Dear Sir,

The attack upon Mr. Dumas is but a part of that system of intimidation that the present triumphant party in Holland is pursuing,

and, if one were to conjecture, it would be plausible to suppose that Sir James Harris was the instigator of it.

The English Court and nation, with all their affected contempt and rude execrations of the Dutch, have at the bottom a very great opinion of the importance of that power in the balance between England and the house of Bourbon. Hints have been several times thrown out in the English papers of the partiality of the American Minister at the Hague to France; and, as Mr. Dumas was supposed to be under my direction, his motions have been imputed to me. Mr. Dumas has a pension from France, reversible to his daughter. It would be better for Congress to pay this pension, at the expense of the United States, or to dismiss him from their service, (paying him, however, during his life, his annual allowance,) than to have a person in their service in the pay of two Powers at once. If an English Ambassador or Chargé d'Affaires, or agent, at the Hague, should receive from France a pension for opposing the interests of the United States, Congress would have some cause to be uneasy. I am not at all surprised, therefore, at the attack upon Mr. Dumas; yet I should be very sorry if it should prevail against him, and, therefore, it is to be hoped that Congress will take time to deliberate upon the subject. As there has been no formal deliberation of their High Mightinesses upon my memorial, and as the correspondence has been hitherto only between Mr. Fagel and me, although their High Mightinesses have been acquainted with it, and have directed it on the part of Mr. Fagel, yet Congress are not obliged formally to answer it. Sovereign to Sovereign, and Minister to Minister, is the diplomatic maxim. Congress, therefore, may take as long time as they please to deliberate; and it is hoped they will take so much that the present passions may cool, and the present scene be shifted. After another year, or six or nine months, circumstances may be very different.

If we were to judge by the tone of arrogance at present in Holland, we should conclude that they would infallibly blow up a war between England and France, and join the former. But this, to me at least, is very doubtful.

Notwithstanding the complaint against Mr. Dumas, and the recall of Mr. Van Berckel, if that should be agreed to, you will not find any hostile disposition towards the United States. If France remains quiet, (as she ought at present, for it is now too late for her to move,)

all nations and parties will sit down satisfied with the restoration of the Stadtholder for some years, and there will be no formal rupture with France or America. England has blustered, and France has slept; but the former has at heart no inclination for war. Fifty millions of debt added to the present would produce a tornado in this country, the consequences of which cannot be computed. England, Holland, and Russia will be very glad to remain as they are, and France shows no disposition to disturb them.

As I take all the late transactions to have been merely a system of intimidation, you will not hear of those rigorous prosecutions and cruel punishments of the Patriots in Holland, which are held out in terror. Neutrality, eternal neutrality, will still be the passion and politics in the United Provinces, both of Stadtholderians and Patriots. There are no warlike characters among them, and the present dominant party will be as anxious as their adversaries to avoid every provocation to a war, either with France or England. William the Vth is neither the politician nor the warrior that William the III^d was. An appearance of spirit, and even of arrogance, has been assumed in the Netherlands as well as in England, merely to overawe, and upon the secret presumption that they should not be forced into a war in earnest. This policy has succeeded so well that I cannot help suspecting there was better ground for it than the world in general were acquainted with. I know that the patriots in Holland (some of them at least) as long ago as Mr. Rayneval made his curious journey into that country, suspected that their ideas of liberty were not to be supported, and accordingly thought very seriously of emigrating to America. I do not mean, however, by this the capital characters. Money is, however, so much better understood, and more beloved than liberty, that you will not hear of many emigrants. The friends of France affect to speak slightly of Holland at present, and of her weight in the scale. This is necessary to excuse their inattention and blunders on the late occasion; but France never committed a greater error in policy than she has done by her unskilful negotiations at Berlin, the Hague, and London since the peace. If Holland should be forced into a revocation of her connexions with England, America, in my opinion, will have reason to regret it; for I have not a doubt that England, Holland, and Prussia would get the better in a war against the house of Bourbon, and America will be obliged to join the latter in self-

defence; for, after having humbled France, England would not scruple to attack the United States. That our country may act with dignity in all events; that she may not be obliged to join in any war without the clearest conviction of the justice of the cause, and her own honor and real interest, it is indispensably necessary that she should act the part in Holland of perfect independence and honest impartiality between the different courts and nations who are now struggling for her friendship, and who are all at present our friends. This has ever appeared to me so clear and obvious, that I never could approve the conduct of M. Dumas or Messieurs Van Staphorst, in taking so decided parts in favor of France, and against the Stadtholder, although I fully believe they followed the judgments of their understandings, and the inclinations of their hearts with integrity and honor.

With great respect, &c.,

JOHN ADAMS.

FROM LORD CAERMARTHEN, ENCLOSING COPIES OF A DECLARATION AND COUNTER-DECLARATION.

LORD CAERMARTHEN presents his compliments to Mr. Adams, and has the honor to transmit to him, herewith, printed copies of a declaration and counter-declaration, signed at Versailles the 27th instant by his Excellency the Duke of Dorset, and Mr. Eden, on the part of his Majesty, and by Count Montmorin, on the part of his Most Christian Majesty; by which Lord Caermarthen has the satisfaction to communicate to Mr. Adams the earliest information of the determination of the two Courts to discontinue the armaments and warlike preparations on each side.*

Whitehall, October 30, 1787.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, November 30, 1787.

Dear Sir,

I do myself the honor to enclose the King's speech at the opening of Parliament, as it has been transmitted to me from the Marquis of

* For the Declaration and counter-Declaration, see pp. 107-108.

Caermarthen ; and the Morning Chronicle of the 28th, which contains—not the debates, for there were none—but the panegyrics upon it.

I have long seen, sir, in silent astonishment and grief, the negligent and imprudent conduct of a deceased French Minister of Foreign Affairs, in his negotiations and intercourse in Holland, the despicable history of a Maillebois, the unmeaning or ill-meaning intrigues of Rayneval, the Rhingrave, not to mention others equally disgusting, at Paris, with a Minister whom you know. When I first knew or suspected that the Dutch patriots and their confidential agents had surrendered themselves to female intrigues, I had a thousand apprehensions that they would finally meet with that ruin which you perfectly well know would have been the devoted fate of the United States if they had submitted to Mr. Deane's system, of de Maillebois and de Coudray's, ten years ago. Let me entreat gentlemen to compare what remains upon the records or files of Congress at that period, with what happened before and at the peace, with what has taken place in Holland, and thank Heaven for their providential escapes.

There are many worthy characters, now exiles from Holland and refugees in Germany, the Austrian Netherlands, and France, for whom I have many years entertained an esteem and affection, whose melancholy situation is truly deplorable. These, however, have ever appeared to me to be too inattentive to the sense of the common people in their own country, too little acquainted with the nature of government, and too confidently dependant on the support of France.

The orations in Parliament upon the speech enclosed are, however, more extraordinary than any thing that has occurred.

The interposition of Prussia in the affairs of Holland cannot be justified upon the principles of the law of nations ; and, if truth and justice are not lost out of the world, will be marked by the impartial, both in the present and future ages, with severe censure. But the speeches of Mr. Fox and Mr. Pitt appear to me to have set every tie that can bind mankind, every principle which ought to be held sacred, at open defiance. It is openly avowed by both that a treaty of alliance is in agitation between England and Holland at this moment, when a treaty recently made between France and Holland

is in full force, and when there is no pretence of a violation of it. Is not this a most outrageous insult in the face of the whole world, (for the debates in Parliament are known to be published all over Europe,) upon the law of nations, upon the faith of treaties and national honor? Is it the intention of the speech, and of the addresses which will echo it back to the throne, to force the house of Bourbon into a war? To me it seems manifest. If France should bear it patiently what are we to think? The fermentation in that kingdom occasioned by the ruin brought upon it by that Administration of whose merits you have long since formed an accurate judgment, and by the exertions to obtain provincial and national assemblies, threatens much confusion. It is not possible to foresee what the effect will be. I own myself afraid that the patriots in France will prove as unskilful and unsuccessful asserters of a free Government as those in Holland have been. A tedious relaxation, if not the most serious divisions, is to be apprehended; if, however, the house of Bourbon is unable to assert her dignity upon this occasion, I am clearly convinced that the pride and arrogance of England will rise so high as to demand the demolition of Cherbourg, and attempt to sever South America from Spain. Nor will this be all; she will demand the annihilation of several articles at least of the treaties between France and the United States of America. Nor will they stop here. If they can bind Holland in their shackles, and France, by her internal distractions, is unable to interfere, she will make war immediately against us. They are at present, both at Court and in the nation at large, much more respectful to me and much more tender of the United States than they have ever been before; but, depend upon it, this will not last. They will aim at recovering back the western lands, at taking away our fisheries, and at the total ruin of our navigation at least.

The United States of America, therefore, had never more reason to be upon their guard to complete their constitution of government; to unite, as one man to meet with courage and constancy the severe trials which, in all probability, they will be called to undergo in a very few years.

There is some room, however, to hope that Mr. Pitt and Mr. Fox are outrunning the Dutchman in their disposition for an alliance. The friendship of France appears to me to be so necessary to the King of Prussia, that I cannot yet believe that he will advise the

Stadtholder to follow the English party so implicitly. The state of Europe at large is so confused that there is not one politician in the world, that I can hear of, who pretends to foresee what turn affairs may take.

With great respect, &c.,

JOHN ADAMS.

THE KING OF ENGLAND'S SPEECH.

My Lords and Gentlemen,

At the close of the last session I informed you of the concern with which I observed the disputes unhappily subsisting in the republic of the United Provinces.

Their situation soon afterwards became more critical and alarming, and the danger which threatened their constitution and independence seemed likely, in its consequences, to affect the security and interest of my dominions.

No endeavors on my part were wanting to contribute, by my good offices, to the restoration of tranquillity and the maintenance of the lawful Government; and I also thought it necessary to explain my intention of counteracting all forcible interference on the part of France in the internal affairs of the republic; under these circumstances, the King of Prussia having taken measures to enforce his demand of satisfaction for the insult offered to the Princess of Orange, the party which had usurped the Government of Holland applied to the most Christian King for assistance, who notified to me his intention of granting their request. In conformity to the principles which I had before explained, I did not hesitate, on receiving this notification, to declare that I could not remain a quiet spectator of the armed interference of France, and I gave immediate orders for augmenting my forces, both by sea and land.

In the course of these transactions I also thought proper to conclude a treaty with the Landgrave of Hesse Cassel, by which I secured the assistance of a considerable body of troops in case my service should require it.

In the meantime the rapid success of the Prussian troops, under the conduct of the Duke of Brunswick, while it was the means of obtaining the reparation demanded by the King of Prussia, enabled

the provinces to deliver themselves from the oppression under which they labored, and to reëstablish their lawful Government.

All subjects of contest being thus removed, an amicable explanation took place between me and the most Christian King, and declarations have been exchanged by our respective Ministers, by which we have agreed mutually to disarm, and to place our naval establishments on the same footing as in the beginning of the present year.

It gives me the greatest satisfaction that the important events which I have communicated to you have taken place without disturbing my subjects in the enjoyment of the blessings of peace ; and I have great pleasure in acquainting you that I continue to receive from all foreign Powers the fullest assurances of their pacific and friendly disposition towards this country. I must at the same time regret that the tranquillity of one part of Europe is unhappily interrupted by the war which has broken out between Russia and the Porte.

A convention has been agreed upon between me and the most Christian King, explanatory of the thirteenth article of the last treaty of peace, and calculated to prevent jealousies and disputes between our respective subjects in the East Indies. I have ordered copies of the several treaties to which I have referred, and of the declaration and counter-declaration exchanged at Versailles, to be laid before you.

Gentlemen of the House of Commons :

I have ordered the estimates for the ensuing year to be laid before you, together with an account of the extraordinary expenses which the situation of affairs rendered necessary.

I have the fullest reliance on your zeal and public spirit, that you will make due provision for the several branches of the public service. I am always desirous of confining those expenses within the narrowest limits which a prudent regard to the public safety will permit ; but I must, at the same time, recommend to your particular attention to consider the proper means for maintaining my distant possessions in an adequate posture of defence.

My Lords and Gentlemen :

The flourishing state of the commerce and revenues of this country cannot fail to encourage you in the pursuit of such measures as may confirm and improve so favorable a situation.

These circumstances must also render you peculiarly anxious for the continuance of public tranquillity, which it is my constant object to preserve. I am, at the same time persuaded you will agree with me in thinking that nothing can more effectually tend to secure so invaluable a blessing than the zeal and unanimity which were shown by all ranks of my subjects on the late occasion, and which manifested their readiness to exert themselves whenever the honor of my crown or the interest of my dominions may require it.

—o—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, December 11, 1787.

Dear Sir,

I have been desired by Patrick Miller, Esquire, of Dalswinton, to transmit to Congress the enclosed paper of experiments in navigation. It is the sequel of his Treatise on Naval Architecture, which I had the honor to transmit to Congress last spring.

I have the honor to be, &c.,

JOHN ADAMS.

—

Experiments in Navigation by Patrick Miller, Esquire, 2d June, 1787.

An account of experiments made by Mr. Miller in the Frith of Forth, the 2d of June, 1787, in a double vessel sixty feet long, and fourteen and a half feet broad, put in motion by his water-wheel, wrought by a capstan of five bars, each bar five feet long. On the lower part of the capstan was fixed a wheel, with teeth pointing upwards, to work in a trundle fixed on the axis of the water-wheel. The diameter of this wheel is equal to three and a half diameters of the trundle; so that one revolution of the capstan produces three and a half revolutions of the water-wheel.

The vessel is three-masted, and sails uncommonly fast when there is a smart breeze, and the wheel is raised above the surface of the water.

After making sundry tacks in the Frith, with all the sails set, the wind fell to a gentle breeze, when all the sails were taken in, and the following experiments made :

The vessel being put in motion by the water-wheel, wrought by five men at the capstan, was steered so as to keep the wind right ahead, and her rate of going was found by the log to be three and a half miles in the hour.

After this, the wind was brought on the beam, (that situation being considered as the nearest to trying the effect of the wheel in a calm,) when five men at the capstan made the vessel go at the rate of four miles an hour.

With the wind brought on the quarter, five men caused her to go at the rate of four and a half miles an hour.

Four men at the rate of four miles an hour.

Three men, something more than three miles in the hour.

Two men, at the rate of two and a half miles in the hour.

One man, at the rate of one mile and three quarters of a mile in the hour.

It is proper to remark, that a vessel of the same length with that in which the experiments were made, if in real service, should be furnished with two, if not three, water-wheels, and the same number of capstans.

These experiments, and others, made in a double vessel, thirty-five feet long, with five wheels wrought by cranks, have enabled Mr. Miller to ascertain sundry matters of great importance, about which he entertained doubts when he wrote the *Treatise on Naval Architecture*, to be presented to the Congress of the United States of America.

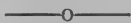
One of these related to the power most proper to work the water-wheel. He is now satisfied that the capstan possesses the power best suited to that purpose. The mechanism of the movement is simple, and, by extending the bars one or two feet, the diameter of the wheel on the capstan may be enlarged, and thereby the revolutions of the water-wheel will be increased, which must accelerate the motion of the ship.

He is equally well satisfied as to the distance at which the different vessels should be placed from each other. He does not hesitate to say, that in a triple ship, of the length and breadth of our first-rates, the vessels should not be placed at more than six feet from each other. A ship of twice the length, and about twice the breadth of our first-rates, should be quintuple, and the vessels placed at the distance of five and a half feet from each other.

From the great number of wheels which can be wrought with capstans in ships of these magnitudes, Mr. Miller is certain they may be made to go from four to five miles an hour in a calm, and from three to four miles an hour against light winds.

As an objection to ships of this construction, it is said that the sea will separate the different bottoms. This objection is not well founded, for top weight not being detrimental to these ships, in point of stiffness, all the beams on the different decks may be of the same size, and the strength of these united must be very superior to any weight or force which can operate against it. When the ship is afloat, however agitated or high the sea may be, the united strength of so many beams may be estimated, in some degree, by calculating the weight it will take to break an oak beam five and a half or six feet long, of the breadth and thickness of a first-rate's lower deck beam.

Dalswinton, November 19, 1787.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, December 16, 1787.

Dear Sir,

Two days ago I received the letter you did me the honor to write me on the 16th of October, with its enclosures.

The approbation of my conduct in Europe, expressed in the resolutions of Congress of the 5th of October, does me honor, and demands my acknowledgments. The permission to return to America, and the termination of my commission in Holland, having removed all difficulties, it is my intention to embark with my family in the month of March. It would give me great pleasure, sir, to accept of your polite and friendly invitation to New York; but as the health of my family is very tender, and their apprehensions of the sea very great, it will be necessary for me to embark for Boston. Mr. Smith and his family will embark for New York. As Congress have not transmitted him any orders relative to another Minister, or to a *Chargé d'Affaires* at this Court, the presumption is, that it is either the intention of Congress to have no diplomatic character here, or that other persons are destined to fill it; in either case, Mr. Smith's road is as clear as mine—to return home.

You have before this time received from Colonel Smith his own account of his journey, arrival, and reception in Portugal. This reception was more flattering than could have been expected, and was in every respect, I presume, fully satisfactory to him. But the mission has been attended with consequences affecting his health, which, there is reason to fear, he will have cause to remember for some time. A bilious fever, or tertian ague, contracted in Portugal or Spain, has left him in a delicate state of health, which I fear he will not fully remove till he arrives in America.

The public mind cannot be occupied about a nobler object than the proposed plan of government. It appears to be admirably calculated to cement all America in affection and interest as one great nation. A result of accommodation and compromise cannot be supposed perfectly to coincide with any one's ideas of perfection. But as all the great principles necessary to order, liberty, and safety, are respected in it, and provision is made for corrections and amendments as they may be found necessary, I confess I hope to hear of its adoption by all the States.

Two days ago a great consternation was spread in the stock exchange by a report of a quadruple alliance of the two Empires with France and Spain. Whether this is any more than an artificial circulation to turn the tide of popular terror and vapor, like the revived conversations about an invasion of England, I know not. France undoubtedly has the power to form alliances, if she will; which will bring the existence of Britain and Prussia into question. But the revival of States General and Provincial, and the contests which are likely to arise out of them, will give the French Government business for some time.

Most perfectly do I agree with you that America has nothing to fear but a want of union and a want of government. The United States now stand in an elevated situation, and they must and will be respected and courted, not only by France and England, but by all other Powers of Europe, while they keep themselves neutral.

It is suspected by some that the additional troops now recruiting for the army are intended to be sent to Canada and Nova Scotia. Their ostensible destination is to the West India Islands.

No answer is made to any of my memorials or letters to the Ministry, nor do I expect that any thing will be done while I stay. There are reports of an intention to send a Minister to America, and

a Mr. Liston, (I think the name is,) now at Madrid, is mentioned. But nothing has been said to me upon that subject for some time.

With great esteem, &c., JOHN ADAMS.

—O—

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 14, 1788.

Dear Sir,

I yesterday received Mr. Remsen's letter of the 14th of December, with the journals and gazettes enclosed.

At the last conferences at Whitehall, which were last Thursday, Lord Caermarthen thought proper to express a wish that this country had some sort of treaty of commerce with the United States of America, that it might be no longer necessary to take new measures from time to time, which looked hard. This observation his Lordship made, alluding to Mr. Grenville's motion in the House of Commons for making the regulation of the intercourse between America and the West India Islands perpetual. His Lordship then immediately said, "I presume Mr. Adams that the States will all immediately 'adopt the new Constitution. I have read it with pleasure. It is 'very well drawn up.'" All this oracular utterance was to signify to me what has all along been insinuated, that there is not as yet any national Government, but that as soon as there shall be one, the British Court will vouchsafe to treat with it. You will see by the Morning Chronicle of the 12th of February, enclosed, that Mr. Grenville's speech is in the same strain; so that we may conclude it to be the concerted language of the Cabinet. It is unnecessary for me to make any reflections upon it. The argument that arises out of it, in favor of the new Constitution, and a prompt acceptance of it, is but one among many. France and Holland furnish as many reasons as England. Mr. Jefferson must soon follow my example, and return to America, if that Constitution is not accepted by all the States; and what will be the consequence of the clamors of all the officers in France who are creditors, of all the notables who may be pleased to cast reflections, and of all our creditors in Holland, for want of payment of interest and principal as they become due, must be left to every American citizen seriously to consider.

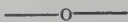
In preparing for my departure, I have been personally treated with the same uniform tenor of dry decency and cold civility, which

appears to have been the premeditated plan from the beginning; and Opposition as well as Administration appear to have adopted the same spirit. Mr. Fox and Mr. Burke, Lord Camden and the Duke of Richmond, Lord Hawkesbury and Lord North and Lord Stormont have all behaved alike. If this country can make such arrangements that the King of Prussia may make a diversion of the French forces by land, and the native Indians, or discontented subjects, another of those of Spain in South America, you may easily believe that England will be eager for war. Let not our countrymen flatter themselves that they shall be able to maintain peace. Lord Caermarthen, indeed, said to me that he did not see a possibility of a misunderstanding in Europe, and that he even hoped that peace would be made between Russia and the Porte. His Lordship is in profound ignorance of it, I presume, if there is really any probability of an alliance of France with the Emperor or Empress. Mr. Jefferson has informed you of his conjectures as well as his intelligence on that point.

The Marquis de la Luzerne is now Ambassador at this Court from France, and has already met with humiliations not easily borne by Ambassadors. Monsieur de Calonne appears at the levee and drawing-room, and even at the table of the Marquis of Caermarthen on the Queen's birth-day, with the French Ambassador. The Chevalier de Ternant was presented by the French Ambassador to the King and Queen, and treated with the most marked disgust by both. These things are hard to bear. I have had some conversation with this Minister, with whom I made a voyage in 1779 from L'Orient to Boston, in the *Sensible*, and could wish to have resided longer with him, for he will certainly be attentive and able; but my embarkation is fixed to the month of March, and I hope to be in Boston in May.

With great esteem and regard, &c.,

JOHN ADAMS.



FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 16, 1788.

Dear Sir,

There is no maxim more clearly settled in all courts, and in all negotiations between nations, than that Sovereign should always

Speak to Sovereign, and Minister to Minister. I am not at all surprised, therefore, although I am much mortified at having my memorials to their High Mightinesses and to his most Serene Highness returned to me, with the letter enclosed from Mr. Fagel. I should have had a letter of recall signed by the President of Congress, by their order, and addressed to their High Mightinesses. There is a similar irregularity in my recall from the British Court; for, although my commission is limited to three years, yet my letter of credence to his Majesty has no limits at all. If the omission of a letter from Congress to the King upon this occasion should not be taken as an offence, it will not be because it is not observed; but from motives too humiliating to Congress, as well as their Minister here, to be explained.

There is no alternative now left for me. Home I must go, and leave all Europe to conjecture that I have given offence in Holland and in England; that I have misbehaved abroad, though my conduct has been approved at home. When the public shall hear that I am gone home without taking leave, there will be no end of criticism, conjectures, and reflections.

All that now remains for me is humbly to request that Congress would be pleased to send me regular letters of recall after my arrival in America, that I may then transmit my memorials to Europe, and take leave in form.

To a man who has taken the utmost pains to do his duty, and to fulfil every obligation to the smallest punctilio, nothing can be more disagreeable than such disappointments, especially as in all my letters I have so expressly and repeatedly requested regular letters of recall.

With great respect, &c.,

JOHN ADAMS.

FROM H. FAGEL TO JOHN ADAMS.

[Translation.]

Hague, February 12, 1788.

Sir,

I have this day been honored with your letter dated London, 25th January, of the present year, accompanied with a memorial to their High Mightinesses, and another to his Highness, with a request to deliver the same. I have ever experienced so many proofs of your

friendship and good will, that I should have accounted it an honor and pleasure immediately to have complied with your wishes, although I rather wished that you had not taken leave, and always entertained hopes to have seen you here once more. Permit me, however, to inform you, that when I communicated your letter addressed to their High Mightinesses, to the President, and other members, they did not put any unfavorable construction upon the memorial of taking leave, which, in every respect, was found obliging and satisfactory, excepting that no letter of recall from Congress to their High Mightinesses accompanied the same, which is customary; for, as a Minister is credited by a letter of credence, (such a one as was received by their High Mightinesses on the 22d April, 1782, dated the 1st January, 1781,) so, in like manner, a Minister is recalled by a letter of recall; upon which a letter of credence is returned. Perhaps this may have been occasioned by an omission of the Secretary of Congress, and this prevents my making use of your memorial, which ought to be delivered with a letter of recall from Congress: and your Excellency will, I trust, not be displeased that I find myself obliged to return to you the letter and memorial.

Your Excellency's affairs not permitting you to come and take a personal leave, it will be satisfactory that a letter of recall from Congress be transmitted with your memorial.

It will ever give me pleasure to learn of your welfare, and those connected with you, and to find opportunities of giving you proofs of the particular regard with which I have the honor to be, &c.,

H. FAGEL.

P. S. His Highness being in the same predicament with their High Mightinesses, nothing can be done but to wait for a letter of recall from Congress.

To his Most Serene Highness William the Fifth, Prince of Orange and Nassau, hereditary Stadholder and Governor of the United Provinces of the Netherlands.

A MEMORIAL.

The subscriber, Minister Plenipotentiary from the United States of America, has the honor to acquaint his most Serene Highness that

the said United States in Congress assembled have given him their permission to return to America after the 24th day of February, 1788, and have resolved that his mission to the Republic of the United Netherlands should then determine. It is to him a mortifying circumstance that it is not in his power to go in person to the Hague, in order to take leave of their High Mightinesses and of your most Serene Highness. But as he had the honor to be originally accredited by Congress to your most Serene Highness, it is his duty, in taking leave of the Republic, and on his departure from Europe, to pay his respects to your most Serene Highness in writing.

He asks leave to express his thanks for all the civilities he has, from time to time, received at your most Serene Highness's Court, and his sincere wishes for the universal felicity of the Republic in general, of your most Serene Highness, of your royal consort, and illustrious family.

Done at Grosvenor Square, in London, this 25th day of January, 1788.

JOHN ADAMS.

[Translation.]

To their High Mightinesses the Lords the States General of the United Netherlands.

A MEMORIAL.

High and Mighty Lords :

The subscriber, Minister Plenipotentiary from the United States of America, has the honor to communicate to your High Mightinesses a resolution of the United States of America in Congress assembled of the 5th day of October, 1787, by which he is permitted, agreeably to his request, to return to America at any time after the 24th day of February, 1788, and by which his commission and credentials to your High Mightinesses are on that day to terminate.

Nothing would have been more agreeable to the inclinations of the subscriber than to have passed over to the Hague, in order to have paid his final respects and to have taken leave of your High Mightinesses, had not the shortness of the time, and the severity of

the season, and the tender state of his health, been opposed to his wishes.

The magnanimity and wisdom with which your High Mightinesses, in 1782, manifested your friendship to the United States of America, contributed to accelerate the general peace of the world, which has lasted so long; and the candor and goodness of your High Mightinesses, and of the whole Republic, to the subscriber, as well as to his country, have made impressions on his mind which neither time, place, nor circumstance can ever efface.

In finishing his course in Europe, and in taking a respectful leave of your High Mightinesses, he begs leave to express his ardent wishes for the happiness and prosperity of your High Mightinesses and your families, and his sincere assurances that in whatever country he may be, he shall never cease to pray for the liberty, the independence, and the universal happiness and prosperity of the whole Republic of the United Netherlands.

Done at London, this twenty-fifth day of January, A. D. 1788.

JOHN ADAMS.

By the United States in Congress assembled, October 5, 1787.

On a report of the Secretary of Foreign Affairs, to whom were referred two letters from the Honorable John Adams, of the 24th and 27th of January last:

Resolved, That the Honorable John Adams, the Minister Plenipotentiary of the United States at the Court of London, be permitted, agreeably to his request, to return to America at any time after the 24th day of February, in the year of our Lord 1788, and that his commission of Minister Plenipotentiary to their High Mightinesses do also then determine.

Resolved, That Congress entertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him; and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity, and diligence with which he hath ably and faithfully served his country.

CHAS. THOMSON, *Secretary*.

FROM JOHN ADAMS TO JOHN JAY.

Grosvenor Square, February 21, 1788.

Dear Sir,

Yesterday I had my audience of leave to his Majesty. I shall not trouble you with any particulars of the previous steps to obtain this audience, (which you know are always troublesome enough,) nor with any detail of the conversation, farther than the public is immediately interested in it. The substance of my address to his Majesty was no more than a renewal of assurances, in behalf of the United States, of their friendly dispositions, and of their continued desire to cultivate a liberal intercourse of commerce and good offices with his Majesty's subjects and States; thanks for the protection and civilities of his Court; and good wishes of prosperity to his Majesty, his royal family, his subjects, and dominions. The King's answer to me was in these words: "Mr. Adams, you may, with great truth, assure the United States that whenever they shall fulfil the treaty on their part, I, on my part, will fulfil it in all its particulars. As to yourself, I am sure I wish you a safe and pleasant voyage, and much comfort with your family and friends."

This was the answer in ceremony. His Majesty was then pleased to ask me many questions about myself and my family; how long I had been absent from them, &c.; which were intended, I suppose, to be very gracious and flattering, but were of no consequence to the public, and therefore will be here omitted. It now remains to take leave of the Queen and the Princess, the Cabinet Ministers, and corps diplomatique—a species of slavery, more of which, I believe, has fallen to my share than ever happened before to a son of liberty; and I much fear that the omission of a letter of recall, and the offence taken at it in Holland, will oblige me to go over to the Hague, to repeat the same tedious ceremonies there. At this season of the year, so near the equinox, to have the passage from Harwich to Helvoet to cross twice, is a punishment for sins to me unknown.

I am extremely afflicted, my dear sir, at the news of your ill health; but I hope you will be soon restored, for the public at this moment has great need of your experience and abilities.

With much affection, &c.,

JOHN ADAMS.

FROM JOHN ADAMS TO JOHN JAY.

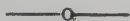
Bath Hotel, London, March 26, 1788.

Dear Sir,

I have only time to introduce to you Colonel Smith, and to request in his behalf the honor of your friendship. His conduct in every part of Europe where he has been, I have good reason to believe, has done honor to himself, and given a favorable idea of his country.

His honor and interest, as well as those of his family, are very dear to me, and I wish he may be employed in some station or other in which his talents and address may be useful to his country. As I have so many reasons to value your friendship to me, I naturally wish you to extend it to him and his. He is able to give you a very intelligent account of affairs in this country, and the rest of Europe; and to him I must refer, having only time to subscribe, with much affection, your friend,

JOHN ADAMS.



FROM JOHN JAY TO JOHN ADAMS.

New York, February 14, 1788.

Dear Sir,

As this letter will go by the way of Ireland, and may be exposed to accidents in the course of its route, I decline entering into particulars; but as the long recess of Congress, who are now again convened, makes it necessary that the enclosed letters of recall should be transmitted without delay, I think it best to send one set by this conveyance, and to forward duplicates by another vessel, which will sail about the last of the month for Bristol. Your letters by the packet are come to hand, and shall be particularly noticed in my next, which will go under cover to a friend, with directions to him what to do with it in case you should have left England before its arrival.

Massachusetts has adopted the proposed constitution by a majority of nineteen.

I am, dear sir, &c.,

JOHN JAY.

FROM JOHN ADAMS TO JOHN JAY.

Braintree, October 11, 1788.

Dear Sir,

The multiplied cares attending the removal of a family from one country to another, and beginning a new course of life, or resuming an old one *after* an interruption of fourteen years, must be my apology (if any apology is necessary) for having omitted, till this time, to solicit the final settlement of my accounts with the United States.

As Mr. Barclay has, for many years, had the examination of the accounts of all the Ministers abroad, and of mine in particular, until my removal to England, I wish to be informed whether it is the intention of Congress that I should transmit the remainder of my accounts to that gentleman, or any other, for a similar examination, or to the Board of Treasury, or to Congress immediately.

Let me request of you, sir, to lay this letter before that honorable Assembly, and to transmit me their commands, which shall be obeyed as soon as possible.

With great respect, &c.,

JOHN ADAMS.

END OF THE SECOND VOLUME.

UNIVERSITY OF ILLINOIS-URBANA



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